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February 1881

G W Craddock

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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY.

DECEMBER SESSION, 1837.

JAMES CLARK, GOVERNOR.

PUBLISHED BY AUTHORITY.

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ACTS

OF

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY.

CHAP. 479—AN ACT to amend the charter of the Lexington and Ohio Railroad Company.

1837.

WHEREAS, It is the wish of the stockholders of the Lexington and Ohio Railroad Company, as expressed by a resolution, passed by them at their meeting on the 20th day of November, 1837, that application be made to the Legislature for certain modifications of their charter—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, in pursuance to the wish of said stockholders and at their request, that the charter of the Lexington and Ohio Railroad Company be so altered and modified that the Board of Directors shall, from and after the 12th day of December, 1837, be composed of five Directors, of which not less than two shall be from the north side of, and not less than two from the south side of, the Kentucky river; and that the President may be chosen by said Directors from one of themselves, or otherwise as said Directors may think proper.

SEC. 2. *Be it further enacted*, That the stockholders shall proceed, on the 12th day of December, 1837, at the office of said company in the city of Lexington, to elect, in the same manner as heretofore prescribed in the charter of said company, five persons as Directors, who shall, from that time, constitute the board of Directors of said company until the next succeeding day for the annual election of Directors, or until their successors shall be appointed, as heretofore prescribed in the charter; and that thereafter, the elections shall continue to take place on such days, and in such manner, as is prescribed in said charter, subject only to the modifications of the first section of this bill.

Number of
Directors.

Where to re-
side.

President to
be chosen.

Directors, when
to be elected.

Approved, December 8, 1837.

CHAP. 480—AN ACT to define more particularly the line between Boone and Gallatin counties, and for other purposes.

WHEREAS, in an act of the General Assembly of the Commonwealth of Kentucky, approved February 9th, 1837,

1837.

establishing the county of Trimble, and for other purposes, in the twelfth section of said act, certain creeks on the line between the counties of Gallatin and Boone are miscalled—wherefore,

Line between
Boone & Gal-
latin.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the line between the counties of Boone and Gallatin, begin on the banks of the Ohio river at the mouth of Big Bone creek; thence up said creek to the south fork of Big Bone creek; thence up said south fork to Thomas Brann's, leaving said Brann in Boone; thence up said south fork to the widow Hughes' old place, to the intersection of said creek by the Louisville and Cincinnati road; thence with the line as designated by the twelfth section of the above recited act.

Surveyor of
Gallatin to run
the line and
make report.

SEC. 2. *Be it further enacted,* That the county court of Gallatin shall authorize the surveyor of said county, to survey and mark the line between the counties of Boone and Gallatin, as designated in the first section of this act, to the point of intersection of the said south fork of Big Bone creek by the Louisville and Cincinnati road, and thence according to the twelfth section of the act of February 9th, 1837; and it shall be the duty of said surveyor, to make report thereof to the county courts of Gallatin and Boone at some future term thereof; and said county courts of Gallatin and Boone shall make their surveyor a reasonable allowance for his services as aforesaid, to be paid equally out of their county levy.

To be paid
by both coun-
ties.

Sheriff of
Boone may col-
lect taxes in
part of Gallat-
in.

SEC. 3. *Be it further enacted,* That the sheriff of Boone county, for the year eighteen hundred thirty seven, shall have all the power and authority that sheriffs are invested with by the laws of this Commonwealth, for the collection of the revenue tax and county levies, and he shall proceed forthwith to collect the revenue tax and county levies for the year eighteen hundred and thirty seven, in all that part of Gallatin county stricken from Boone and added to Gallatin, by an act approved February 9th, 1837, as above recited; and said sheriff shall have until the first day of June, eighteen hundred and thirty eight, to pay into the treasury the one tenth part of the revenue of Boone county for the year eighteen hundred and thirty seven, as charged to him on the commissioner's books of the present year, including that part of Gallatin in which said sheriff has no power to collect until authorized by this act; and said sheriff of Boone county, shall also have until the next May term of the Boone county court, to produce his delinquent list for the year eighteen hundred and thirty seven; and the Auditor of public accounts shall allow the sheriff, on settlement, the amount so allowed by said county court.

Further time
allowed to pay
part of revenue
and file delin-
quent list.

Part of citi-
zens of Gallat-
in to list their
taxable prop-
erty in Boone.

SEC. 4. *Be it further enacted,* That all those persons residing in that part of Gallatin county which was stricken from Boone, and added to Gallatin, by the said act of February 9th, 1837, who have failed to list their property for taxation for the present year, be, and they are hereby required to

LAWS OF KENTUCKY.

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1837.

list their property for taxation for the year eighteen hundred and thirty seven, with the county court of Boone at the next January, February or March terms of said court; otherwise, said persons shall be subject to said court, in all the penalties now inflicted by law on those who fail to list their property for taxation.

Approved December 18, 1837.

CHAP. 481.—AN ACT applying the fines and forfeitures of Trimble county to lessening the county levy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all fines and forfeitures which have been, or may be, imposed within the county of Trimble, shall be, and the same are hereby appropriated to lessening the county levy of said county.

Fines and forfeitures appropriated to lessening county levy.

SEC. 2. That it shall be the duty of the Justices of the Peace, and other officers of said county, before whom any fine may be imposed, or forfeiture be incurred as above, to return to the clerk of the county court of said county, within sixty days thereafter, a certificate of the amount thereof, together with the name of the officer who shall have the collection of the same, under the penalty of double the amount thereof.

All officers to make a return to Clerk of county court.

SEC. 3. That it shall be the duty of all officers of said county who may hereafter collect, or may have collected and not paid over any such fine or forfeiture, to pay over the same to the county court of said county, on the first day of the levy term thereof, in each and every year, to be applied by said court towards lessening the county levy.

Officers to pay over fines to the county court.

SEC. 4. That it shall be the duty of the Clerk of the county court of said county to lay a full and complete list of all such certificates, so returned to him, before the said county court, at their levy term in each and every year.

Clerk to lay a list before c't.

SEC. 5. That all officers of said county, failing or refusing to comply with any requisition of this act, shall forfeit, and pay to said county, double the amount of loss that the county may sustain thereby; recoverable by motion in the county court of said county, as other moneys are recoverable from the constables thereof, who may fail or refuse to pay over the same.

Penalty on officers for neglect.

Approved December 18, 1837.

CHAP. 482.—AN ACT to regulate the courts in Gallatin county.

WHEREAS, the citizens of the town of Warsaw, and its vicinity, have erected and completed a good and sufficient court house on the public ground in said town, and James O'Hara and Cornelius Hughes, as commissioners, received said court house, and made a report thereof to the Gallatin

1837.

Warsaw the
permanent seat
of justice.

Circuit and
county courts
to hold sessions
in Warsaw.

Clerks to keep
offices in half
mile of court
house, and oth-
erwise shall not
charge fees.

county court, as provided in the fourteenth and fifteenth sections of the act, entitled, an act to establish the county of Trimble, and for other purposes—

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the said town of Warsaw shall be, and is hereby established as the permanent seat of justice of Gallatin county, and that all acts or parts of acts establishing Port William, as the seat of justice of said county, shall be, and the same are hereby repealed; and it shall not be lawful for the circuit court or county court of Gallatin county to hold their sessions in said town of Port William, and every judicial act done or pretended to be done by said courts, or either of them hereafter, while holding their sessions in said town of Port William shall be null and void; and it shall be the duty of the clerks of said courts to keep their respective offices, and all the books, papers and effects, appertaining thereto, within one half mile of said court house; and it shall not be lawful for the clerks of said courts, or either of them, to charge any fees for services respectively rendered by them after the first Monday in January, 1838, unless at the time of rendering said services, they shall keep their respective offices, within one half mile of said court house, as above directed; and if said clerks, or either of them, shall charge or issue any fee bill for said services, said clerk so offending shall be subjected to, and incur the fines denounced against and imposed on clerks for issuing illegal fee bills, to be recovered in like manner.

Approved December 18, 1837.

CHAP. 483—AN ACT regulating the county levy of Wayne county, and for other purposes.

WHEREAS, the county court of Wayne county failed at their last court of claims, to lay the county levy of said county: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Wayne, a majority of all the Justices in commission being present, may, at their next December or January term, lay said county levy.

SEC. 2. That the said county may, after the present year, hold their court of claims either at the September or November term of the county court of said county.

Approved December 18, 1837.

CHAP. 484—AN ACT for the benefit of the Clerks of Caldwell and Greenup county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act to authorize the

Clerk of Woodford county court, to record all deeds and other papers which were not recorded, in said office, at the death of the late clerk, approved first of March, eighteen hundred and thirty six, shall be extended to the Clerks of the Caldwell and Greenup county courts, to the same extent, as though the provisions of said act were re-enacted and made applicable to the duty of the present Clerks of Caldwell and Greenup counties.

1837.

Approved December 18, 1837.

CHAP. 485—AN ACT to change the name of Albert Poulson, of the county of Barren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Albert Poulson be changed to that of Albert Crenshaw, and he shall, forever hereafter, be called and known by the name of Albert Crenshaw.

Approved December 18, 1837.

CHAP. 486—AN ACT changing the lower precinct in the county of Madison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of holding the elections in the precinct in Madison county, designated in an act, approved February twenty seventh, eighteen hundred and thirty five, entitled, an act to establish precincts in the counties of Madison, &c., be, and is hereby changed from Edmund Long's to Allen Burton's in said precinct.

Approved December 18, 1837.

CHAP. 487—AN ACT for the relief of the Sheriff of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Christian county be allowed until the first day of May, eighteen hundred and thirty eight, to settle with the Auditor of Public Accounts, and pay into the Treasury, the balance of the revenue tax due the Commonwealth from said county of Christian, for the year eighteen hundred and thirty seven: *Provided,* that the present securities of said Sheriff shall consent, in writing, before the clerk of the county court to the indulgence granted by this act; which settlement and payment by said sheriff, of Christian county, shall be made agreeably to, and subject in all respects, to the existing laws now in force in relation to such settlement; and in case of the failure of said Sheriff to make the settlement and pay the said tax, or any part thereof, due the said Commonwealth from said county of Christian, for

Allowed further time to pay balance of revenue.

Securities to consent.

Shall be motioned against for failure.

1837.

the year eighteen hundred and thirty seven, he shall be subject to the same penalties, to be recovered in the same manner as he would be subject to, upon his failure to pay the revenue tax of said county, or any part thereof, for the year eighteen hundred and thirty eight.

Approved December 18, 1837.

CHAP. 488—AN ACT for the benefit of the Sheriff of Adair county.

Further time
to return his
delinquent list
of militia fines.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Adair county shall have until the next court of assessment, to be held for the 130th Regiment of the Kentucky militia, to return his delinquent list of militia fines for the year eighteen hundred and thirty seven.

And to for-
feit lands.

SEC. 2. *Be it further enacted,* That said Sheriff shall be allowed time until the first Monday in February next to forfeit the lands lying in said county, for the non-payment of tax, for the years eighteen hundred and thirty four, and eighteen hundred and thirty five, and upon which the tax shall be then due.

Approved December 18, 1837.

CHAP. 489—AN ACT allowing an additional Justice to Russell county, and an additional Justice and Constable to Adair county.

WHEREAS, it is represented to the General Assembly that a large portion of the citizens of the county of Russell, residing on the south side of Cumberland river, are in want of a Justice of the Peace—for remedy whereof,

Justice of the
Peace to Rus-
sell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed one additional Justice of the Peace to the county of Russell.

AND WHEREAS, it is represented that a large portion of the citizens of Adair county, in the neighborhood of Joseph Hicke's of said county, on the east fork of Little Barren river, having no Justice of the Peace residing in that section of said county, labor under great inconvenience on account of the same—for remedy whereof,

Same to A-
dair county.

Be it enacted, That there shall be allowed an additional Justice of the Peace for said county, and one additional Constable allowed to said county, to reside in the neighborhood aforesaid.

Approved December 18, 1837.

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15

CHAP. 490.—AN ACT to allow an additional Justice of the Peace and Constable to Caldwell county.

1837.

WHEREAS, it is represented that the citizens of Fredonia, in the county of Caldwell, labor under great inconvenience for want of a Justice of the Peace and Constable in said town: for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace and Constable be, and the same is hereby allowed to the county of Caldwell.

Approved December 18, 1837

CHAP. 491.—AN ACT to reduce the number of Justices of the Peace in Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall not be lawful for the county court of Harlan county to nominate, for appointment, persons to fill existing vacancies, nor any vacancies that may hereafter occur by death, resignation, removal, or otherwise, until the whole number of Justices of the Peace in said county shall be reduced to the number of twelve; and hereafter, the number of Justices of the Peace in said county shall be twelve, instead of the number now provided by law.

Approved December 18, 1837.

CHAP. 492.—AN ACT to allow additional Justices of the Peace for Logan and Owen counties.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That two additional Justices of the Peace be, and are hereby allowed, to the county of Logan, any law to the contrary notwithstanding.

Logan.

Sec. 2. Be it further enacted, That an additional Justice of the Peace be allowed to the county of Owen.

Owen.

Approved December 18, 1837.

CHAP. 493.—AN ACT to incorporate the Covington Insurance Company.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John B. Casey, James M. Clarkson, Jefferson Phelps, Allen McCoy, Bushrod W. Foley, Jephthah Kendrick and John T. Levis, and the subscribers to the stock of the association, and their successors, shall be, and are hereby declared to be a body politic and corporate, by the name and style of the Covington Insurance Company, and by

Corporators.

Name & style.

1837.

Corporate
powers.

that name shall have perpetual succession, and be capable in law of suing and being sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of law or equity, and elsewhere, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real and personal estate, which shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and to make and use a common seal, and the same to alter or renew at pleasure, and generally to do and perform all things relative to the objects of this institution, which now is, or shall be lawful, for any individual or body politic or corporate to do.

Capital stock.

May be in-
creased.Stock, when
and how to be
paid.

Sec. 2. *Be it further enacted*, That the capital stock of this company shall be two hundred and fifty thousand dollars, divided into five hundred shares of fifty dollars each, which may be increased by the Directors of said company, to an amount not exceeding five hundred thousand dollars, divided into ten thousand shares of fifty dollars each. At the time of subscribing, or before the election of the Directors, there shall be paid, on each share subscribed for, five dollars; and at the expiration of ninety days, after the election of Directors, there shall be paid five dollars more on each share; at the end of six months after the election, there shall be paid five dollars more per share; at the end of nine months, there shall be paid the further sum of five dollars per share; and at the end of twelve months, after the first election of Directors, the further sum of five dollars on each share; and the residue thereof, at such time, and in such manner, as the Directors may require, shall be paid. And within thirty days after the payment of the first instalment, each stockholder shall execute his several promissory note, with such security as the President and Directors for the time being shall approve, for the payment of the residue of his stock subscribed for, as the instalments shall respectively fall due, and as shall be required by said Directors: the said securities shall be renewed, whenever the Directors may think proper.

When to trans-
act business.

Sec. 3. *Be it further enacted*, That so soon as five hundred shares shall be subscribed for, the first instalment paid, and the residue of the stock paid, or secured to be paid, as aforesaid, the company shall be competent to transact all kinds of business for which it was established.

Books, when
and where to
be opened.

Sec. 4. *Be it further enacted*, That books shall be opened for subscription for said stock, at such time and place as may be designated by a majority of the persons named in the first section of this act, and under their supervision and charge, and they shall deliver the books and money over to the first Board of Directors, so soon as they shall be elected, and they shall also superintend the election of the same.

SEC. 5. *Be it further enacted,* That should the requisite number of shares not be subscribed for, at the first opening of the books, the Directors shall have power to re-open them whenever they shall think proper, requiring such payments as will place them on the same footing as the first subscribers, but not exacting any advance on the stock; and if more than the whole number of shares shall have been subscribed for, there shall be deducted the amount of such excess, in such manner, that the number of shares held by one stockholder shall not be reduced below the number that another stockholder is allowed to retain.

1837.

Books may be re-opened.

SEC. 6. *Be it further enacted,* That transfers of stock may be made by any stockholder, or his legal representative, to any person or persons, under such regulation and restriction, as the Board of Directors may, from time to time, establish.

Stock may be transferred.

SEC. 7. *Be it further enacted,* That the affairs of this company shall be managed by a President and four Directors, to be elected by ballot, all of whom shall be stockholders; three directors present shall form a quorum for the transaction of business.

Officers.

SEC. 8. *Be it further enacted,* That no director of any other insurance company shall be allowed to be a director of this; and should any director of this company be elected a director of any other insurance company, his acceptance thereof shall disqualify him from continuing a director of this company, and the remaining directors shall appoint a director to fill his vacancy.

No Director in any other company to be an officer in this.

SEC. 9. *Be it further enacted,* That the subscribers, composing this association, shall hold a meeting, for the first election of directors, within two weeks after the aforesaid amount of five hundred shares of stock shall have been subscribed for, and on the first Monday in January in each year thereafter, and elect, by ballot, from among the stockholders, five Directors; each stockholder shall have one vote for each share, to the number of five; six votes, for seven shares; seven votes, for ten shares; and one vote, for every five shares over ten and under fifty; and one vote, for every ten shares over fifty and under one hundred. The Directors, first chosen, shall serve until the first Monday in January, eighteen hundred and thirty nine, and until their successors are elected, and no longer: at their first meeting after the election, they shall organize themselves into a Board for the transaction of business, by selecting one of their own body President; and in case of the death, resignation, removal, or disqualification of the President, the Directors shall fill the vacancy out of their own body; and in case of a vacancy occurring in the directory, they shall appoint a stockholder, or stockholders, to fill the vacancy.

When first meeting to be held.

Number of votes in proportion to stock.

SEC. 10. *Be it further enacted,* That the President and Directors shall have power and authority to appoint a Secretary and assistants, and such other officers, (all of whom must be stockholders,) as shall be necessary for the transacting of the

May appoint officers & make by-laws.

1837.

business of said institution, and may allow such salaries to them as they may deem equitable; to ordain and establish such by-laws, ordinances, and regulations, as shall appear to them necessary for regulating and conducting the concerns of said institution, not being contrary or inconsistent with this act, the constitution and laws of this State, or the constitution and laws of the United States; they shall keep full, fair and correct entries of their transactions, which shall be, at all times, open to the inspection of the stockholders.

On what they
may make in-
surance.

Sec. 11. *Be it further enacted*, That the corporation, herein and hereby created, shall have full power and lawful authority to insure all kinds of property against loss or damage by fire; and said company may make all kinds of insurance on vessels, crafts or boats, of any description, on the interior rivers, lakes, bayous or canals, in the United States, as well as on goods, wares and merchandize, produce, and every description of property transported by land or water in the United States, and to make all kinds of insurance upon life or lives; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business.

May invest
capital in other
stocks & trans-
fer the same.

Sec. 12. *Be it further enacted*, That it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property, in any public stock or funded debt, created or to be created, by or under any law or laws of the United States, or of this or any particular State, or in the stock of any chartered bank of this State or of the United States, and the same to sell and transfer at pleasure; and again to invest the same, or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, under such restrictions and limitations, as the directors, for the time being, shall deem prudent and best for the interest of the institution, but shall not receive on such loan a greater interest than six per cent. per annum.

Declare and
make divi-
dends.

Provide.

Sec. 13. *Be it further enacted*, That the President and Directors shall have power, and it shall be their duty, to make and declare such dividends of the profits resulting from the business of said company, as shall not impair, nor in any way lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall be paid to any stockholder, so long as there shall remain a residue of his stock due and unpaid, but shall pass to his credit as so much paid in as stock; to such as have paid in their entire amount of stock due, and the dividend shall be paid to them proportionate to their amount of stock at such time as the Board of Directors may declare.

When to pay
for loss.

Sec. 14. *Be it further enacted*, That every house insured by this company, that shall be destroyed by means of fire, from the first floor upwards, shall be deemed as demolished;

and it shall be lawful for the Directors in such case, and in all other cases, where said company may become liable for insurances, to order the money insured, to be paid in ninety days after notice given of the loss as aforesaid.

Sec. 15. *Be it further enacted*, That no stockholder, or member of this company, shall be answerable in his person, or individual property, for any contract, or any agreement of said company, or for any losses, differences or failures of the capital stock; but the whole of the stock, together with all property, rights and credits, belonging thereto, and nothing more, shall at any time be answerable for the demands against the Company.

Stockholders not to be liable in individual capacity.

Sec. 16. *Be it further enacted*, That the stock of this institution may be assigned and transferred on the books of the company, in person or by power of attorney only: but no stockholder, indebted or in arrears to the company, shall be permitted to make a transfer until such debt is paid, or secured to be paid, to the satisfaction of the President and Directors.

Stock may be transferred.

Sec. 17. *Be it further enacted*, That the President and Directors may call a general meeting of the stockholders, for any purpose of the affairs of the institution, giving at least two weeks notice thereof in any one newspaper, printed in said city, or two newspapers printed in this State, nearest the city; and any number of stockholders, not less than twenty five, who, together, shall hold at least three hundred shares, may at any time apply to the President and Directors, to call a general meeting of the stockholders for any purpose relative to the affairs of this institution; and if the President and Directors refuse to call a meeting, the said stockholders, to the numbers, and possessed of the qualifications aforesaid, may call a meeting, giving notice as in the case of the President and Directors, and also stating the object of the call in such notice.

General meetings may be called.

Certain number of stockholders may do same.

Sec. 18. *Be it further enacted*, That should it so happen from any cause, whatever, that the annual election of Directors should not take place upon the day in any year, as before mentioned for that purpose, the said corporation, for that reason, shall not be dissolved; but such election may be lawfully held on such convenient day thereafter as may, for that purpose, be fixed on by the President and Directors, they causing ten days public notice of the time and place thereof to be previously given.

Company shall not be dissolved for failing to hold election.

Sec. 20. *Be it further enacted*, That all policies of insurance or contracts, which may be made, or entered into, by said corporation, shall be subscribed by the President, or President pro tem, and by such other officer as shall be designated for that purpose by its laws, and being so signed, shall be binding and obligatory upon the said corporation without the seal thereof, according to the tenor, intent and meaning of such policies or contracts; and such policies or contracts may be so signed, and the business of said corporation may otherwise be conducted and carried on without the presence of a Board of

The signature of the President shall bind the company.

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Directors, by assistants, officers or committees, to be appointed for that purpose; and the acts of such assistants, officers or committees, if done under or in conformity to the by-laws of the corporation, shall be binding and obligatory upon it to all intents and purposes.

Approved December 21, 1837.

CHAP. 494—AN ACT to take the sense of the good people of this Commonwealth as to the expediency and propriety of calling a Convention, to revise the Constitution of this State.

WHEREAS, it is represented to this General Assembly, that many of the good citizens of the State of Kentucky do verily believe that experience has pointed out the necessity of amending the Constitution thereof—therefore,

Polls to be opened at next election.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Sheriffs, and others, returning officers of this State, at the next general election which shall be held for Representatives, after the passage of this law, to open a poll for and make a return to the Secretary, for the time being, of the names of all those entitled to vote for Representatives who have voted for calling a Convention, in such manner and form as is prescribed by the Constitution.

Penalty on Sheriff for failing to perform his duty.

SEC. 2. *Be it further enacted,* That any Sheriff failing to perform his duty, according to the provisions of the first section of this act, shall be subject to a fine of six hundred dollars, to be recovered by action of debt by any person suing for the same in any court having jurisdiction thereof; and, also, be subject, upon conviction of such failure, to removal from office.

This act to be read at opening polls.

SEC. 3. *Be it further enacted,* That it shall be the duty of the several Sheriffs of this Commonwealth to read, or cause to be read, this act, at their several places of voting in their respective counties at the opening of the polls on each day of the next annual election; and, in case of failure to do so, the said officers shall be liable and subject to the same penalties which are prescribed in the second section of this act for failing to perform his duty according to the provisions of the first section of this act.

Penalty for failure.

Copies of this act to be printed and distributed.

SEC. 4. *Be it further enacted,* That the Public Printer shall, upon a separate leaf or sheet, print fifteen hundred copies of this act, and furnish them to the Secretary of State, who shall send to each county in the State, at the time of forwarding the Acts of Assembly, to the Clerk's office of the County Court of each county, fifteen of these copies; and the Secretary shall take a receipt of the Carriers thereof, who shall take the receipt of the respective Clerks to whom they may deliver them; and the respective Clerks to whom he may deliver them, shall deliver them to the high Sheriff of their respective counties, and take his receipt for the same; a copy

of which act shall be by him delivered to each of his deputies, to be by them read at their several precincts, as required by this act.

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SEC. 5. *Be it further enacted*, That in case of sickness, death, or inability of the Sheriff of any county in the State to attend to compare the list of votes in his or their county, or counties, at the Seat of Government, it shall be the duty of the County Court Clerk of such county to attend with such list of votes of said county, who shall be liable to the penalties for a failure to discharge the duties hereby imposed, and he shall receive the same compensation.

If any Sheriff be unable to attend to compare votes, the County Court Clerk to attend.

Approved December 21, 1837.

CHAP. 495—AN ACT for the benefit of the Sheriff of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Adair County shall have until the first day of May next, to pay the sum of seven hundred and twenty seven dollars ninety three cents, of the revenue of 1837, collectable by said Sheriff, into the Public Treasury, upon the securities of said Sheriff agreeing to the indulgence given by this act, in the Adair County Court, on or before the next February term; and upon such consent being given, the Clerk of said Court shall enter the same upon record.

Indulgence given to the Sheriff.

Approved December 21, 1837.

CHAP. 496—AN ACT to change the place of voting from William McDowell's to Hiram Pierce's Mill, in Caldwell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting at the house of William McDowell, in the County of Caldwell, shall be changed to Hiram Pierce's Mill, in said County; and all elections to be held at said precinct shall be governed by the general law of this Commonwealth, upon the subject of elections.

Approved December 21, 1837.

CHAP. 497—AN ACT to allow an additional Justice of the Peace and Constable for the County of Wayne.

WHEREAS, an additional Justice of the Peace and Constable is much needed in the immediate neighbourhood of Mulin-town, in Wayne County—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That one additional Justice of the Peace and Constable be allowed to the County of Wayne, and that the

1837. County Court of said County are hereby authorized to recommend to the Executive of this Commonwealth a suitable person to fill said office of Justice of the Peace.

Approved December 21, 1837.

CHAP. 498—AN ACT for the benefit of James H. Childers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James H. Childers, son of Penulem Bancum by his present wife, born before marriage, be and he is hereby declared legitimate, and capable to take, by devise or descent, to all intents and purposes, as if born in lawful wedlock; and that his name be changed to James H. Bancum.

Approved December 21, 1837.

CHAP. 499—AN ACT to change the time of holding the Bracken County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bracken County Court shall be holden on the fourth Monday in each month, from and after the first day of March next, instead of the third Monday, as now provided by law.

Approved December 21, 1837.

CHAP. 500—AN ACT to incorporate the Town of Caseyville, in Union County.

Town established, & plan to be recorded.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town laid off by Nicholas Casey, in Union County, on the Ohio river, shall be and the same is hereby established upon the plan as laid down by the plat of said town, and the said plan is hereby ratified and confirmed, and shall be recorded in the Clerk's office of the Union County Court; and said town shall be known and called by the name of Caseyville.

Trustees.

SEC. 2. That Nicholas Casey, John Casey, Burney Hancock, E. Wooldridge and ——— Jimerson be, and they are hereby constituted, Trustees for said town, who shall continue in office for one year from and after the first day of April, 1838, and until their successors are duly elected and qualified.

Free male inhabitants may elect Trustees, and when.

SEC. 3. *Be it further enacted*, That the free white male inhabitants of said town, and the owners of lots in said town, shall, on the first Monday in April, 1839, and on that day in each year thereafter, meet at some convenient place and elect five persons, citizens of said town, as Trustees of said town, who shall continue in office for twelve months, or until their successors are duly elected and appointed.

Sec. 4. That said Trustees shall have power to appoint a Clerk to the Board, whose duty shall be to preserve the papers and books of said Board, and to make a record of the proceedings of said Board, and perform such other duties as said Board shall deem necessary and prescribe.

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Powers of
Trustees.

Sec. 5. That said Board shall have power to appoint an Assessor and Collector, to levy and collect a town tax that they may order, not exceeding fifty cents on each one hundred dollars worth of property made subject to taxation; and they shall have power to require of said Collector, before he enters on the duties of his office, to execute bond and security, payable to themselves and their successors in office, in such penalty as they shall prescribe, conditioned for the faithful collection and payment of said tax to said Trustees, or their successors, or to their Treasurer, if they may think proper to appoint one; which bond may be put in suit, in any court of record in this Commonwealth having jurisdiction thereof, for a breach of condition thereof.

Duties of the
officers.

Sec. 6. That said Board shall have power to pass all by-laws and ordinances, that they may deem necessary, for the government, improvement and well being of said town; provided the same be not inconsistent with the laws and constitution of this Commonwealth: and that it shall require three Trustees to form a Board.

Trustees may
pass by-laws

Approved December 21, 1837.

CHAP. 501—AN ACT to change the place of voting in the Otto Creek Precinct, in Meade County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the election precinct in Meade county, called the Otto Creek Pecinct, be, and the same is hereby changed to the town of Garnettsville—to be held at the house of John Lawson in said town; any law to the contrary notwithstanding.

Approved December 21, 1837.

CHAP. 502—AN ACT to change the place of voting in the Burnt Tavern Precinct, in Garrard County, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Burnt Tavern Precinct, in Garrard county, be changed from the house of Edmund Smith to the town of Bryantsville; and, hereafter, the elections in said precinct shall be held in said town.

Sec. 2. *Be it further enacted,* That the place of voting in the Little Sandy Precinct, in Lawrence county, be and the same is hereby changed from the house of Charles N. Lewis to the house of William Isom, in said precinct.

Approved December 21, 1837.

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CHAP. 503—AN ACT to add an additional Justice of the Peace to Barren County.

WHEREAS, the town of Edmonton, in the county of Barren, and a large neighborhood surrounding the same, are destitute of a Magistrate—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Barren county be allowed an additional Justice of the Peace: *Provided however*, That the County Court of said county, after the provisions of this act shall have been complied with, shall not, thereafter, fill any vacancy occurring in their body, until the number of Justices in said county shall have been reduced to fifteen; any law to the contrary notwithstanding.

Approved December 21, 1837.

CHAP. 504—AN ACT for the benefit of the Jailers of Butler and Edmonson Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Jailers of Butler and Edmonson counties shall be permitted, and it shall be lawful for them, to reside any where within the limits of their respective county towns; any law to the contrary notwithstanding.

Approved December 21, 1837.

CHAP. 505—AN ACT for the benefit of William Henry Russell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William Henry Russell to retain, or sell within this Commonwealth, his negro man slave named Lewis, about forty years of age.

Approved December 21, 1837.

CHAP. 506—AN ACT to change the place of voting in the Troublesome Precinct, in Perry County, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Troublesome Precinct, in Perry county, be changed from the house of Coleby Haddox to the house of William Haddox; any law to the contrary notwithstanding.

Ohio.

SEC. 2. That the election, hereafter, in the Caney Precinct, in Ohio county, shall be held at the house of Nathaniel Thomas.

Union.

SEC. 3. That an election precinct be established at the town of Caseyville, in the county of Union, and the place of voting

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in said precinct shall be held at the house of Nicholas Casey; and all annual elections, held at said precinct, shall be conducted and governed by the existing laws of this Commonwealth regulating elections.

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Sec. 4. That an election precinct shall be, and the same is hereby established at McCarty and Brown's store, in the county of Breckenridge, which shall be known and called "the Sinking Creek Precinct;" and all elections to be held at said precinct shall be governed and conducted according to the laws of this Commonwealth relative to elections.

Breckenridge.

Approved December 21, 1837.

CHAP. 507—AN ACT to change the place of voting in the Cane Creek Precinct, in Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That elections to be held in the Cane Creek Precinct, in Whitley county, shall, hereafter, be held in the town of Boston, at such place in said town as the Judges may designate, instead of Jacob Siler's as heretofore fixed by law.

Approved December 21, 1837.

CHAP. 508—AN ACT to amend an act to establish an election precinct at Chrisley Grubbs', in Whitley County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of an act, approved the 28th of January, 1837, establishing an election precinct at Chrisley Grubbs', in Whitley county, calling for Wayne county line, and the road from the mouth of Laurel to the beginning, shall be, and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That from the mouth of Rockcastle, as defined in the above recited act, the boundary shall be with the Pulaski county line, including the settlement of Eagle creek and Falls of Cumberland; thence with the Fall trace to Young's creek; thence eastwardly to the head of the Pigeon Fork, and down the same to Blake's creek; thence with the road, as called for in the act to which this is an amendment, to the beginning.

Approved December 21, 1837.

CHAP. 509—AN ACT to establish an election precinct in the county of Allen, at the house of Anthony Travelstreet.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be and the

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same is hereby established at the house of Anthony Travelstreet, in the county of Allen, and the laws of this Commonwealth, on the subject of elections, shall be observed in all elections that shall be held at said precinct.

Approved December 21, 1837.

CHAP. 510—AN ACT to establish an election precinct in the town of Skilesville, in Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be and the same is hereby established at the house of Richard Simons, in the town of Skilesville, in Muhlenburg county; and all elections to be held at said precinct shall be governed by the general law of this Commonwealth, upon the subject of elections.

Approved December 21, 1837.

CHAP. 511—AN ACT to change the place of voting in the Scuffle Cane Precinct in Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, instead of holding elections at the house of Nicholas Ballard's, in the Scuffle Cane Precinct, in Rockcastle County, the same shall, hereafter, be held at the dwelling house of John D. Roberts, in said precinct, under the same regulations now prescribed by law.

Approved December 21, 1837.

CHAP. 512—AN ACT to raise the price of Wolf Scalps.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the compensation for killing Wolves in this Commonwealth shall be, for each Wolf, six dollars, according to the provisions of an act to amend an act, entitled, an act providing a compensation for killing Wolves in this Commonwealth, under certain restrictions, approved January 28th, 1814; and any other law inconsistent herewith be and the same is hereby repealed.

Approved December 21, 1837.

CHAP. 513—AN ACT to allow an additional Constable in Marion County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that great inconvenience is ex-

perienced by the citizens of Bradfordsville, in Marion County, and its vicinity, for the want of a Constable—wherefore, for remedy,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Constable shall be allowed to the County of Marion, and that said Constable shall reside in the town of Bradfordsville, or within half mile of said town.

Approved December 21, 1837.

CHAP. 514—AN ACT for the relief of the Sheriff of Logan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Logan County be allowed until the first day of May, eighteen hundred and thirty eight, to settle with the Auditor of Public Accounts, and pay into the Treasury the balance of the revenue tax due the Commonwealth, from said County of Logan, for the year eighteen hundred and thirty seven: *Provided,* That the present securities of said Sheriff shall consent, in writing, before the Clerk of the County Court, to the indulgence granted by this act; which settlement and payment, by said Sheriff of Logan County, shall be made agreeably to, and subject, in all respects, to the existing laws now in force in relation to such settlements; and in case of the failure of said Sheriff to make the settlement, and pay the said tax, or any part thereof, due the said Commonwealth, from said County of Logan, for the year 1837, he shall be subject to the same penalties, to be recovered in the same manner, as he would be subject to, upon his failure to pay the revenue tax of said County, or any part thereof, for the year 1837.

Further time allowed to pay balance of revenue.

Securities to give consent.

Penalty for failure.

Approved December 21, 1837.

CHAP. 515—AN ACT to authorize the Sheriff of Clinton County to remove David Jones, who stands committed for further trial under a charge for murder, to the jail of Cumberland County.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that David Jones is now under commitment, in the county of Clinton, upon a charge of murder, and their being no jail in said county—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Clinton county remove the said David Jones, forthwith, to the jail of Cumberland county; and that the Jailer of Cumberland county receive him from the Jailer of Clinton county, and him safely keep in the said jail until it shall become necessary that the said Jones' trial

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trial be had; then the said Jailer of Cumberland shall surrender the said David Jones up to the Sheriff of Clinton county, that he may be taken to said county for trial.

Approved December 21, 1837.

CHAP. 516—AN ACT for the benefit of the widow and heirs of Thomas A. Johnson, deceased.

May file bill.

Judge may decree a sale.

Appoint a Commissioner.

May render other decrees.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the widow and administrator of Thomas A. Johnson, deceased, together with the guardian for the heirs of said Johnson, to file their bill in chancery in the Campbell Circuit Court, praying for the sale of a house and lot in the city of Covington, that descended from said Johnson to his heirs; and if it shall appear to the satisfaction of said court that the personal estate of said decedent has been exhausted in the payment of debts, and that there yet remain debts against the estate unsatisfied, whereby a sale of the real estate, or any portion thereof, will become necessary, it shall be lawful for the Judge of said court to decree a sale of said house and lot, upon such terms and credit as he may deem just and proper, having due regard to the rights of creditors as well as the interest of the heirs.

SEC. 2. That the Judge of said court, in case he decrees a sale of said real estate, shall appoint some discreet person, as commissioner, to make the sale, collect the money arising therefrom, and out of the same pay the debts yet remaining unsatisfied against the estate of said Johnson; and the remainder, after paying the debts, shall be divided between the widow and heirs according to the rules and principles applicable to estates which have descended under like circumstances.

SEC. 3. That in order to carry into effect the objects of this act, the chancellor shall have full power and authority to render all such other decrees, and make all such other orders, as may be necessary and proper, and consistent with the rules of chancery proceedings.

Approved, December 21, 1837.

CHAP. 517—AN ACT for the benefit of the heirs of Absolem Eversall, deceased.

May file petition.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the widow and heirs of Absolem Eversall, deceased, to file their petition in chancery, in the Perry Circuit Court, praying a sale of so much of the real estate, descended to them, as will satisfy the debts now remaining against the estate of said Eversall; and if it shall appear to the satisfaction of said court, that the whole of the personal estate has been exhausted in the payment of debts, and that there yet remains other debts against said es-

tate; whereby a sale of the real estate, or any part thereof, will become necessary, it shall be lawful for the Judge of said court to decree a sale of so much of the real estate, descended, as will pay the debts of said decedent.

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Judge to decree a sale.

SEC. 2. That, for the purpose of carrying this act into effect, the chancellor of said court shall have full power and authority to fix the credits upon which said sale shall be made, having due regard to the rights of creditors, as well as the interest of the heirs; may, also, appoint one or more commissioners to make the sale and discharge the debts out of the money arising therefrom, and may make all such other and further orders and decrees as may be necessary, and as are consistent with the rules of chancery proceedings.

Appoint one or more Commissioners.

And make other decrees.

Approved December, 21, 1837.

CHAP. 518—AN ACT to extend the present Term of the General Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of the act, entitled, an act to extend the January Term of the General Court, and for other purposes, approved January fourth, eighteen hundred and thirty seven, shall be and the same are hereby revived and continued in full force, so as to be applicable to the present January Term of the General Court.

Approved January 4, 1838.

CHAP. 519—AN ACT to amend an act, entitled, an act to amend an act, incorporating a company to make a turnpike road from Franklin county to the Crab Orchard, in Lincoln county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the tenth section of the aforesaid act, be and the same is hereby so amended as to authorize the said company forthwith to erect a toll gate, and charge toll for so much of said road as is now completed: *Provided,* That the amount of toll so imposed, for the use of said road, does not exceed the proportion of three and a half to five miles of said road.

SEC. 2. That the number of Directors, or managers, of said company be reduced to three, and that that number be authorized to manage and direct the affairs of said company, to the same extent as five were by the charter of said company.

Approved January 8, 1838.

CHAP. 520—AN ACT to legalize the proceedings of the Court of Assessment of the 24th Regiment of the Kentucky Militia, for the year 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Court of Assess-

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ment of the twenty fourth Regiment of the Kentucky Militia, held in the year eighteen hundred and thirty seven, be ratified and confirmed; and said proceedings shall be as valid and as obligatory, as if said court had held their session on the day designated by law.

Approved January 8, 1838.

CHAP. 521—AN ACT to amend the charter of the Lexington, Harrodsburg, and Perryville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Lexington, Harrodsburg and Perryville Turnpike Road Company shall be and they are hereby authorized to appoint and elect an additional manager to reside on the north side of Kentucky river; and until such election and appointment shall be made by said Company, at their annual election, the President and Managers are hereby authorized and empowered to appoint such additional manager, to reside on the north side of the Kentucky river, and to remain in office until the next general election of officers for said Company.

Approved January 8, 1838.

CHAP. 522—AN ACT authorizing the County Court of Bath County to affix the price of vacant lands in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Bath county shall be and are hereby authorized to affix the price of all vacant lands lying in said county, which price shall be the best and highest that can be had, suiting the quality: *Provided however,* That said Court shall not affix any of said lands at a value less than the minimum price now allowed by law; any act or laws to the contrary notwithstanding.

Approved January 8, 1838.

CHAP. 523—AN ACT for the benefit of the Sheriffs of Union and Henderson Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriffs of Union and Henderson counties shall be allowed, until the tenth day of May 1838, to return to the Auditor of Public Accounts their respective delinquent lists of the revenue tax, of said counties, for the year 1837, and their delinquent lists on the Auditor's list of persons that have moved from other counties, within this State, to their respective counties; and no motion shall be made

Further time
to return their
delinquent lists

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against said Sheriffs, on behalf of the Commonwealth, before the said tenth day of May 1838, on account of their failure to pay into the public Treasury the unpaid balance of the revenue tax, remaining due from their respective counties, for the year 1837: *Provided*, the securities of said Sheriffs, for the collection of the revenue tax, shall give their consent to said indulgence, before the Clerks of the County Courts of said counties, which shall be certified by them to the Auditor of Public Accounts.

SEC. 2. That it shall and may be lawful for said Sheriffs to return to their County Courts, at their ensuing January or February terms, their respective delinquent lists of county levies and State revenue, for the year 1837, which shall be as good and valid as if the same had been returned at the annual court of claims in November 1837.

Also, for
county levy.

Approved January 8, 1838.

CHAP. 524—AN ACT for the benefit of the Louisville and Elizabethtown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the President, Directors and Manages of the Louisville and Elizabethtown Turnpike Company shall have the right, forthwith, to erect a toll gate on that part of the road next to Elizabethtown, and charge and receive tolls under the provisions of the charter.

SEC. 2. That said President and Managers shall have the power to erect said gate at any place between the house of Christopher Bush and the store house of Elijah Bush.

Approved January 8, 1838.

CHAP. 525—AN ACT for the benefit of Hardenia Allensworth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract, heretofore existing between Hardenia Allensworth and her husband, Philip Allensworth, is forever dissolved, so far as respects said Hardenia, who is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name of Hardenia Reynolds.

Approved January 8, 1838.

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CHAP. 536.—AN ACT to appoint one additional Justice of the Peace and Constable to Clinton County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one additional Justice of the Peace be allowed to the county of Clinton.

SEC. 2. *Be it further enacted*, That one additional Constable be allowed to said county.

Approved January 8, 1838.

CHAP. 527.—AN ACT allowing to Bath County an additional Constable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Bath County be and they are hereby authorized to appoint an additional Constable in said county, to reside in the town of Owingsville.

Approved January 8, 1838.

CHAP. 528.—AN ACT to repeal an act concerning the public roads in the County of Bath.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, approved the thirteenth of January, one thousand eight hundred and thirty seven, prohibiting the County Court of Bath county from permitting any individual from erecting any gate, or gates, on any of the public roads in said county, be and the same is hereby repealed.

Approved January 8, 1838.

CHAP. 529.—AN ACT to amend the laws regulating the town of Jeffersontown, in Jefferson County.

WHEREAS, there are some obstructions in the laws regulating Jeffersontown, Jefferson county, Kentucky, and the inhabitants are labouring under inconveniencies in consequence thereof—now, to remedy the same,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the free white male inhabitants of said town, of the age of twenty one years and upwards, to meet, on the first Saturday in March next, and every year thereafter, at the same place that is now designated by law to hold the August elections in said town, and choose, by vote, *viva voce*, five fit persons for Trustees, who shall be property holders in said town, to serve for one year thereafter, and until their successors are duly elected.

SEC. 2. That if the citizens of said town shall, at any time hereafter, fail to have an election on the day appointed in

May elect
Trustees.

1838.

this act, that then, and in that case, the Clerk, or any of the Trustees, may, by giving ten days previous notice, have an election held for Trustees, which shall be as legal as though it was held on the day herein appointed.

SEC. 3. That the Trustees of said town shall appoint a Surveyor of the streets and roads, which the inhabitants of said town are now required by law to work and keep in repair; and said Surveyor shall continue in office for one year, and shall have the power to require the titheables to work the roads and streets which the inhabitants are required to work and keep in repair, as often, and as many days in each year, as may be necessary to keep the same in repair; or the Trustees may levy a poll tax of seventy five cents on each tytheable required to work said roads and streets, for each day required to work said roads, &c: *Provided*, That each tytheable shall have the right to pay his tax in labour, at the rate of seventy five cents per day: *And, provided further*, That if any one required to work said roads and streets, shall fail or refuse to work or pay his tax, when called on by the Surveyor, in that event said Surveyor shall have the right to sue, before any Justice of the Peace, and recover the sum of one dollar and fifty cents—one half to the use of said roads and streets, and the other half to the use and benefit of said Surveyor: *And, provided further*, That the payment of seventy five cents shall be considered as an equivalent to a day's work, on the streets or roads.

Powers of Trustees.

SEC. 4. That the Surveyor, appointed by said Trustees, shall, when called on by said Trustees, give an account, on oath, of all the moneys received by him in lieu of the labour required by the tytheables in said town.

Duties of Surveyor.

SEC. 5. That said Trustees shall have power to tax shows or exhibitions of any kind, that may be exhibited within half a mile of the public square in said town, any sum not exceeding ten dollars.

May tax shows, &c.

SEC. 6. That in lieu of the tax now authorized to be collected in said town, the Trustees, (a majority of them concurring therein,) shall have the power to levy, and have collected annually, a tax on the property of said town, now subjected to taxation by the revenue laws of this Commonwealth; and shall have power to levy and collect, annually, a tythe tax on the tythes of said town, provided it shall not exceed fifty cents on each tythe, and twenty five cents on each hundred dollars worth of property in said town, to be appropriated and laid out by them for the improvement of said town.

May levy a tax.

SEC. 7. That the Trustees of said town shall have full power and authority to pass and enforce all by-laws by them made, for the government of said town and citizens thereof: *Provided however*, that they be not contrary to the laws and constitution of this State.

May pass by-laws.

SEC. 8. That whenever it may be made appear to the Trustees, that a majority of the lot holders on any street,

1838.

May have
side walks pa-
ved.

square, side of a street or square, in said town, wish the said walks graded and paved at least six feet wide, with brick or flat stone, it shall and may be lawful for the Trustees of said town to levy and impose such tax upon the owner, or owners, of lots upon said streets, squares, side of streets or squares, as may be proposed to be paved, a sufficient amount to complete the same, in such manner as the Trustees may direct: *Provided*, That in levying the said tax, they shall apportion the same among the respective lot holders upon the streets, squares, side of streets or squares, proposed to be paved and graded, according to the extent of ground each of said lot holders may own fronting upon said street or square.

SEC. 9. That the said Trustees shall have full power and authority to collect and enforce the payment of said tax, for the purpose aforesaid, in the same manner that other taxes are made collectable in said town.

SEC. 10. That all acts, or parts of acts, coming within the purview of this act, be and the same are hereby repealed.

Approved January 8, 1838.

CHAP. 530.—AN ACT for the benefit of Mary Elizabeth Soph, an infant orphan of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Mary Elizabeth Soph, an infant orphan of the city of Louisville, and who has been adopted by Christian William Sudholtz, of the said city, be and the same is hereby changed to Mary Elizabeth Sudholtz; and the said Mary Elizabeth is hereby made capable, in law, of inheriting estate, real and personal, from the said Christian William Sudholtz, as fully and as perfectly as though she were the lawful child of the said Christian William.

Approved January 8, 1838.

CHAP. 531.—AN ACT more particularly to define the County line between the Counties of Lewis and Greenup.

WHEREAS, doubts have arisen as to the correct line between the counties of Lewis and Greenup—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Dupuy and George W. Darlington, of the county of Greenup, and Thomas Veitch and James McCallister, of the county of Lewis, shall be and they are hereby appointed commissioners, for and on behalf of their respective counties, to mark and define that part of the line, between said counties, which commences on the Ohio river, opposite the mouth of the Big Scioto river, and

Commission-
ers.

thence running a straight line to the river hill, so as to include all the waters of Tygert's creek, in the county of Greenup, agreeably to the act of Assembly establishing said counties: and said commissioners, or any two of them, there being one from each county, are hereby directed to mark and define said division line, and make true return thereof, in writing, to the county court of each county, to be entered of record.

1838.

Mark and define the line, & make return to court.

SEC. 2. That the said commissioners shall have the sum of one dollar per day for their services, as such, to be paid out of the county levy of their respective counties.

Pay.

Approved January 8, 1838.

CHAP. 533—AN ACT to amend an act, entitled, an act to establish the County of Trimble, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the tenth section of an act, entitled, an act to establish the county of Trimble, and for other purposes, approved the ninth of February, eighteen hundred and thirty seven, as authorizes and empowers the collector of the county levy for the county of Oldham, for the year eighteen hundred and thirty seven, to collect the county levy of the said county of Trimble, for that year, be and the same is hereby repealed.

Section repealed.

SEC. 2. That it shall be a sufficient defence to any summons issued by the County Court of Oldham against any individual residing in the county of Trimble, for failure to give in his tythes and list his property for taxation, for the year eighteen hundred and thirty seven, with the commissioner of tax appointed by the County Court of Oldham, to show that he has given in and listed the same for taxation with the commissioner of tax for the county of Trimble.

Defence for failing to list property.

SEC. 3. That this act shall take effect from and after the passage thereof.

Approved January 8, 1838.

CHAP. 533—AN ACT for the relief of the executor, widow and children, of John J. Shelton, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for James E. Shelton, executor of John J. Shelton, deceased, to file his bill in the Hardin Circuit Court, making the widow and children of said John J. Shelton parties thereto, charging that it would redound to the advantage of the estate of said decedent, and all parties interested, to make sale of eighty acres off of the southern part of a tract of land owned by said testator in the county of Hardin, and containing about three hundred and thirty acres, for the payment of the debts of said decedent, in

May file a bill.

1838.

Court may
decree a sale.

exoneration of the personal estate not heretofore sold; and upon the coming in of the answers of said defendants, by themselves, or their guardian *ad litem*, where they are infants, if the court shall be of opinion that it is proper to make sale of said eighty acres of land, they shall decree a sale thereof, at either public or private sale, upon such credit as may be deemed right by said court; and, for that purpose the court shall appoint a commissioner, and authorize him to make sale and conveyance of said land, collect the proceeds thereof, and apply the same to the payment of the debts of the decedent, taking receipts therefor, and make due report to the court of his actings and doings.

Balance to be
paid over to ex-
ecutor.

SEC. 2. That if there shall be any balance in the hands of said commissioner—after the payment of the debts of said estate, and the compensation of said commissioner for his services, to be fixed by said court—that the same shall be paid over by the commissioner to the executor of said John J. Shelton, which shall be deemed and held as assets in his hands, subject to distribution as other estate which may come to his hands, or to be applied as the will disposes of the lands, herein provided to be sold.

Commission-
er to give bond.

SEC. 3. That the court shall require of said commissioner bond, with approved security, in such penalty as may be deemed proper, conditioned for the faithful performance of his duty under this act; and that the court shall, in all things, proceed in said suit as in other chancery causes in this State.

Executor to
give additional
bond.

SEC. 4. That before the commissioner shall pay over to said executor the funds in his hands, after the payment of the debts of said estate as aforesaid, as provided for in the second section of this act, that the County Court of Hardin shall require of said executor to execute an additional bond, with security, in a penalty sufficient to cover said funds, conditioned for the faithful administration of said funds, according to law and the provisions of the second section of this act.

Approved January 8, 1838.

CHAP. 534—AN ACT establishing a State Road from Shelbyville, via Floydsburg and Brownsborough, to Harmony Landing on the Ohio river.

Commission-
ers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert Doke, Lyter Huffman, of the county of Shelby, and Richard W. O'Bannon, Sanford C. Yager and Samuel B. Steele, of the county of Oldham, be and they are hereby appointed commissioners to view and mark the best and most practicable route for a State road from Shelbyville, in the county of Shelby, by Floydsburg and Brownsboro', to Harmony Landing, in Oldham county, on the Ohio river; who, or a majority of them, shall meet in the said town of Shelbyville, on the first Monday in May next, or so soon thereafter as practicable, and proceed to view and mark the route for said road, giving notice to those over whose land

To view road,

the said road is proposed to run, (provided they be known to said commissioners); and, if desired by said owner or owners, they shall estimate the damages he, she or they shall sustain by the establishment of said road, and shall report their proceedings to the County Court of Shelby and Oldham, stating also the number of days they have been employed by the provisions of this act, in discharge of the duty assigned them.

1838.

To report
their proceed-
ings.

SEC. 2. That if any proprietor of land, over which the road may be established, should fail to require an assessment of damages by the commissioners, and should apply to the County Court of the county in which the land may lie, the said court shall make an order for the assessment of damages, by a jury, who shall be governed in all respects by the general laws regulating proceedings of the same kind under writs of *ad quod damnum*.

Court may
make an order
to assess dam-
ages.

SEC. 3. That if the several County Courts of the counties, through which the proposed road is to run, or the individuals interested therein, shall agree to pay the damages which may be assessed in their respective counties, then, and in that event, the County Courts shall proceed to lay off said road, in convenient sections or precincts, within their respective counties, and appoint overseers, and a sufficient number of hands, to open and keep said road in repair, at least thirty feet in width.

Court may
pay damages
and open road.

SEC. 4. That said commissioners, before they proceed to the duties assigned them by the provisions of this act, shall take an oath before some Justice of the Peace, to discharge the duties assigned them under this act faithfully and impartially; and said commissioners shall be entitled to the sum of one dollar and fifty cents per day while engaged in the duties aforesaid, to be paid by the counties or individuals aforesaid.

Oath and pay
of Commission-
ers.

SEC. 5. That the commissioners, appointed by this act, shall have twelve months from the passage of this act to carry the provisions of the same into effect.

Approved January 8, 1838.

CHAP. 535—AN ACT to incorporate the town of Saloma, in the County of Green.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free white male inhabitants residing in the town of Saloma, in the county of Green, and the owners of lots in said town, shall, on the first Monday in April, one thousand eight hundred and thirty eight, and on the same day in every year thereafter, meet at some convenient place within said town, and proceed to elect five Trustees for said town, who shall hold their offices for one year, next after their election, or until their successors are duly appointed, and the said first election shall be conducted under the direction of Durham Sanders, or some other Justice of the Peace of said county, who shall act as Judge therein; and

May elect
Trustees.

1838.**To take an oath.**

said Trustees shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them by law as Trustees.

Body corporate.

SEC. 2. That said Trustees, and their successors, shall be a body corporate, by the name and style of the Trustees of the town of Saloma; may sue and be sued, plead and be impleaded, in any of the courts of law or equity of this Commonwealth: they shall have power to pass all necessary ordinances and by-laws for the improvement, regulation and advancement of the interest and morals of said town, not inconsistent with the constitution of the United States, or the constitution and laws of this State.

May pass by-laws.**May receive deeds for lots.**

SEC. 3. That said Trustees shall have power to receive a conveyance by donation, or purchase any lot or lots of ground in or near said town, for the purpose of erecting a market house, school house, meeting house, or any other necessary or needful public buildings, and may order, provide for, and contract for their erection: they shall have power to assess a poll tax on the legal tythables of said town, not to exceed fifty cents a head; and levy an ad valorem tax on the real and personal estate within said town, that is now taxed by the revenue laws of this Commonwealth, not to exceed fifty cents on each one hundred dollars worth of property: they shall have power to contract for the sinking of wells, the improvement of springs, the grading and improvement of the streets and alleys, and the paving of the side-walks of said town: they shall have power to levy and collect from the owner or managers of all exhibitions of animals or shows, of all and every description that shall be exhibited within the limits of said town, any amount that shall be ordered by the Board of Trustees, not to exceed the sum of twenty dollars; and shall have power to pass by-laws to prevent racing, or running horses, within the limits of said town, or the suppression of all other disorderly conduct or practice within the same: they shall appoint one of their own body as chairman, who shall sign the records and proceedings of each meeting, who shall have power to call a meeting of the Board at any time, and preside over the meetings, keep order, &c: it shall require a majority of said Trustees to do business, and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by said Trustees, shall be, by them, appropriated in the purchases and improvements before directed.

May levy a tax.**Further powers of Trustees.****May elect a Clerk, and his duty.**

SEC. 4. That said Trustees shall elect a Clerk, who shall continue in office one year, or until another is duly appointed; whose duty it shall be to preserve and safely keep all papers belonging to, or filed with, said Board; and shall attend the meetings of said Board; and record all their proceedings in a book, to be procured by said Board for that purpose; and shall copy and certify all records and ordinances that may become necessary, and to record a map, or plan, of said town in said book, when made out and furnished.

SEC. 5. That said Trustees shall appoint an Assessor, to assess the property and persons within said town liable to taxation, and upon the performance thereof, said Trustees shall fix and direct the payment of his compensation.

1838.

Assessor to be appointed.

SEC. 6. That said Board shall have power and authority to appoint a Collector, who shall have power and authority to collect, by distress, or otherwise, the tax levied upon the persons and property within said town as before directed.

Collector.

SEC. 7. That before said Collector shall proceed to the performance of the duties prescribed in the sixth section of this act, shall execute bond before said Trustees, in such penalty as the Board shall direct, with sufficient security to be approved of by them, payable to said Trustees, conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct; and for a breach of the condition of said bond, said Trustees shall have power and authority to move against said collector, either by suit on said bond, or motion in the Green Circuit Court, and by a judgment of said court, recover against said collector, and his securities, any amount of money that may be found due from him, with twenty per centum thereon; and shall have execution therefor against them, and the Clerk of said court shall endorse thereon that no security of any kind shall be taken.

Powers and duties of Collector.

SEC. 8. That the said Board shall have power to appoint a Treasurer, who shall keep the funds of said Board safe, and pay the same over by order of said Board, or the Chairman thereof, to such person or persons as he shall be directed; and said Board may require bond and security of said Treasurer, conditioned as aforesaid; and for a breach of said bond, shall be subject to the same proceedings and subject to the same penalties that are prescribed in the seventh section of this act, against delinquent collectors.

May appoint a Treasurer, & his duties.

SEC. 9. That said Board shall fix, by law, the rate of compensation to all of her subordinate officers, and shall have authority to sue for and recover all penalties annexed to a breach of their ordinances and by-laws, before Justices of the Peace, or other proper tribunal having jurisdiction thereof.

Compensation to officers.

Approved January 8, 1838.

CHAP. 536—AN ACT for the benefit of the Mechanics of the town of Paducah.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That carpenters, joiners, brick masons, stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labour, or furnishing materials for the construction or repair of any building within the town of Paducah, shall and may have a joint lien upon the buildings they may be employed to construct or

May have a lien on property.

1838.

Proviso.

repair, and the interest of the employer in the lot on which such building may be constructed or repaired, or for which they may furnish materials, to the extent of the labour done and materials furnished by them respectively: *Provided*, That no lien shall attach for any sum not amounting to twenty dollars: *Provided*, That nothing herein contained, shall be construed to affect, impair or injure, any lien or liens, whether by mortgage, deed of trust, or otherwise, which any person or persons, body politic or corporate, may have on the property by this act subjected to the lien or liens herein before created and mentioned.

May file a
bill in chance-
ry.

Court may
render a decree

Sec. 2. That any person or persons, having a lien under this act, may enforce the same, by filing a bill in the McCracken Circuit Court, at any time within one year from the completion of the work, or furnishing the materials. All the persons having a lien may join in the bill against the employer, or one or more of them may file a bill against the employer and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law; and when the claims of each shall be ascertained, the court shall decree the amount against the owner of the building, and direct the house, and the interest of the employer in the lot, to be sold on such credit as he may deem proper, and shall cause the sale money to be collected and distributed in payment of the amount decreed to the claimants. The amount due the claimants shall bear legal interest from the time the same shall have been due by the contract of the parties; and the purchaser of the property shall pay interest from the time of sale. The court, after the claimants have all been paid, shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion.

Sec. 3. That none of the persons named in the first section of this act shall have a lien, if they shall have taken security.

May take
proof.

Sec. 4. That the complainant, or complainants, in any suit instituted under the provisions of this act, may proceed to the proof of their respective claims, immediately on the service of process; and any defendant, or defendants, claiming a lien, may proceed to the proof of their respective claims, immediately on filing their respective answers, asserting and specifying their claims; it shall not be necessary for a defendant or defendants, claiming a lien, or relief against any complainant or co-defendant, to make their answer, or answers, a cross bill against the complainant or co-defendants; but the assertion of their respective claims and liens in their answers, with a prayer for the appropriate or general relief, shall be sufficient to authorize the court to enter the proper decree for relief against any of the complainants or defendants.

Answers may
be taken in a
cross bill.

Sec. 5. That immediately on the service of the process, in any suit instituted under the provisions of this act, any defendant or defendants, shall have the right to file, with the Clerk of the McCracken Circuit Court, his or their answer, under oath; and the Clerk shall endorse thereon, the true time of filing the same; and twenty days shall be allowed to a defendant, or defendants, to file their answers after the service of process; the cause shall stand for trial at the first term after the service of process, if the same shall have been served twenty days before the commencement of the court, and either at a common law or chancery term, and may be taken up for trial on ten days notice, in writing, on any day of such term. The court, for good cause, may continue the cause, and may permit a defendant, or defendants, to file his or their answers at any time before the trial of the cause, on such terms as the court may deem equitable.

Approved January 8, 1836.

1836.

Answer to be filed.

Time allowed for filing.

Court may continue the cause.

CHAP. 537—AN ACT allowing Hiram Miller a change of venue.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, upon the application of Hiram Miller, (who is now confined in the jail of Lincoln county, under a charge of killing a slave, the property of William Crow,) to the Justices of the Peace who presided in his trial and committed him to jail, it shall be their duty to issue, forthwith, a writ of *habeas corpus*, directed to the jailer of Lincoln county, and cause the said Miller to be brought before them; and if he shall, thereupon, elect to be tried in the county of Garrard, or in the county of Mercer, it shall be the duty of said Justices to issue their mittimus, directed to the Sheriff of Lincoln county, commanding him to commit said Miller to the jail of the county where he may so elect to be tried.

Justices to issue writ of habeas corpus.

And to commit to jail of Mercer or Garrard.

Sec. 2. That it shall be the duty of said Justices to cause the said Miller to endorse his election, of the county in which he is to be tried, on the back of the warrant of commitment; and his consent and election, so endorsed, shall be binding upon him; and the Circuit Court of the county, so chosen, shall have full jurisdiction of the offence, as though it had been committed in said county.

Election shall be endorsed on warrant.

Sec. 3. That it shall be the duty of the Justices aforesaid, and, also, of the Clerk of the Lincoln Circuit Court, to transmit to the Clerk of the Circuit Court of the county so chosen by said Miller, all the papers, warrants, recognizances, and other process, connected with said prosecution; and it shall be the duty of the witnesses to attend the next Circuit Court of the county so chosen, instead of the Lincoln Circuit Court.

Papers to be sent to the county chosen.

1838.

County chosen to have full power.

SEC. 4. That the Circuit Court of the county, so chosen by said Miller, shall have full power and jurisdiction to try the offence with which said Miller now stands charged; and to issue all necessary process for witnesses to compel their attendance and to hear the case, as though the offence had been committed within the limits of said county.

SEC. 5. That the Justices of the Peace who presided on the trial of said Miller, at the time of his commitment, are hereby vested with full power to grant the writ of *habeas corpus* provided in the first section of this act; and nothing in this act contained shall be construed to deny to said Miller the right of bail, provided a court of competent jurisdiction to grant bail shall believe the offence to be bailable.

If discharged by any objection, to be tried again.

SEC. 6. That the grand jury of the county in which the said Miller shall elect to be tried, shall have the same jurisdiction of the alledged offence, as if it had been committed in said county; and if they shall find an indictment "a true bill," the same proceedings shall be had thereon as if the alledged offence had been committed in said county. And if any objection shall be taken to the legality, or constitutionality of a trial in the county in which the accused shall have elected to be tried, under the provisions of this act by the accused, or his counsel, and the said objection shall be sustained by the court, the accused shall not be discharged; but shall be remanded for trial to the county in which the alledged offence was committed, and shall be committed to the jail thereof; whereupon, such proceedings shall be had as if the prisoner had not been removed for trial to another county.

Approved January 8, 1838.

CHAP. 538—AN ACT for the benefit of Susannah Hawthorn, and others.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Robert Hawthorn departed this life in the year 1824, leaving a nuncupative will, which was regularly written, proven, and recorded in the Monroe County Court, in which he provided that his property should remain together for the purpose of raising his children—his estate consisting of some personal property, and about two hundred acres of land. And, whereas, his wife, Susannah Hawthorn, and Eli Pitchford, (who is now dead,) became the administrators of said decedent, with the will annexed, and in said administration exhausted the whole of the personal estate in paying the debts of said deceased. And, whereas, said Susannah has been compelled to create a debt of one hundred dollars in purchasing a work beast, and in sending some of the younger children to school—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Susannah may file her bill

in chancery, in the Monroe Circuit Court, praying the sale of so much of said land as will be of value sufficient to make the sum of one hundred dollars, making the heirs of said deceased defendants to said bill; and said court may decree a sale thereof, at the term at which said bill shall be filed, provided the court shall be of opinion that the sale thereof will be beneficial to said heirs; said court, as usual, shall appoint for said heirs a guardian *ad litem*.

1838.

Court may decree a sale of part of the land.

SEC. 2. That proof in said cause may be taken, at any day of the term for which said cause may be set for trial, and read at said term: also, provided said guardian have a reasonable notice for his attendance at the place of taking said proof.

When proof may be taken.

Approved January 8, 1838.

CHAP. 539—AN ACT for the benefit of Luther Garrison, alias Stamps, and others.

WHEREAS, John M. Garrison, of the county of Allen, has represented to the present General Assembly of the Commonwealth of Kentucky, that he is the father of the following named children; to-wit: Luther, Robert, John, Charles, Thurston, George W. and Sidney Ann Stamps, and prays that their last name be altered and changed to that of Garrison, and each of them be made capable of inheriting by law—wherefore,

Names changed.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of said children, known by Stamps, be changed to Luther, Robert, John, Charles, Thurston, George W. and Sidney Ann Garrison; and that said last mentioned names be and they are hereby confirmed, and each and every one of them are made legitimate children, and made capable of inheritance in law and equity, of all lands and tenements, goods and chattels, rights and credits, of said John M. Garrison, in as full and ample manner as if they had been severally born in lawful wedlock.

SEC. 2. That the name of Margaret George Hopkins be changed to that of Margaret George Haden, and she shall, forever hereafter, be called and known by the name of Margaret George Haden.

Name of M. Hopkins changed.

Approved January 8, 1838.

CHAP. 540—AN ACT to change the mode of collecting the stock subscribed in the Louisville and Nashville Turnpike Road Company, by the County of Hardin.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the remaining and uncollected portion of the ten thousand dollars stock subscribed in the

How to be collected.

1838.

Previseo.

County court
shall apportion
the amount to
be collected in
each year.

Louisville and Elizabethtown Turnpike Road Company, by the County Court of Hardin, at their April term 1837, shall be collected upon the ad valorem principle: *Provided however*, to raise said money, that no species of property shall be taxed except such as is now subject to taxation under the revenue law of this State.

SEC. 2. That the County Court of Hardin, at their next April term, to be held in 1838, shall so apportion the collection of the aforesaid money named in the first section of this act, that no more than one third part of the aforesaid ten thousand dollars shall be collected in any one year; and that so much of the said ten thousand as is already collected, or paid to the aforesaid Turnpike Road Company, shall be included in the first apportionment, so as to be estimated part of the first year's collection.

Approved January 8, 1838.

CHAP. 541—AN ACT allowing the Commissioners of the Revenue for Jefferson County additional compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Jefferson county, to pay out of the county levy of said county, to such of the Commissioners of the revenue for said county as they may think necessary, such additional compensation as said court deem proper, provided such additional compensation shall not exceed the amount now allowed by law.

Approved January 8, 1838.

CHAP. 542—AN ACT for the benefit of the heirs of Josiah Hutcheson, deceased.

May file bill.

Court may decree a sale.

And appoint a Commissioner.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the administrators and heirs of Josiah Hutcheson, deceased, to file their petition in chancery, in the Garrard Circuit Court, praying for a sale of so much of the real estate, descended, as will pay the debts of the decedent: and if it shall appear to the satisfaction of said court, that the whole of the personal estate has been exhausted in the payment of debts, and that there yet remain other debts unsatisfied, whereby a sale of the real estate will become necessary, it shall be lawful for said court to decree a sale of said real estate, upon such terms, and such credits as he may deem just, having due regard to the rights of creditors, as well as the interest of the infants.

SEC. 2. That said court shall have full power and authority to appoint a Commissioner, or Commissioners, to carry said sale into effect, and to cause the legal title to be conveyed to the purchaser, and make all such other orders and decrees as

may be necessary and proper, and as are consistent with the rules and principles of proceedings in chancery.

SEC. 3. That this act shall not be construed to affect or divest any dower claim to which the widow of said Hutcheson may be entitled, according to law; but only to authorize a sale of the estate descended to the infants, whether in possession or remainder, provided such sale shall be necessary for the payment of the debts of the intestate.

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Not to affect
dower claim.

Approved January 8, 1838.

CHAP. 543—AN ACT for the benefit of Reuben Mansfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Reuben Mansfield, guardian of Catharine Mansfield, who is daughter of James Mansfield, deceased, be and he is hereby authorized to sell, for the best price he can obtain, a negro boy named Logan, a slave, the property of said Catharine, and convey the fee simple title thereof to the purchaser, and take and hold the proceeds thereof as other money of his said ward, Catharine, to her use and benefit, and account for the same to his said ward in like manner as other moneys are to be accounted for by guardians to their wards.

Approved January 8, 1838.

CHAP. 544—AN ACT to change the Constable's district for the town of Monticello, and to allow an additional Constable to Morgan County,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all acts, and parts of acts, passed heretofore, establishing and enlarging the Constable's district for the town of Monticello, be and the same are hereby repealed.

SEC. 2. That from and after the passage of this act, the Constable's district, for said town, shall be bounded as follows: beginning at Archibald McBath's old place where William R. Coffee now lives, including him; thence to William Collett's; thence to James M. Haden's, including him; thence to Cannon Washam's; thence to Hutcheson's oil mill; thence to Joshua Buster's; thence to Henry Huffaker's; thence to Thomas J. Jones'; thence to Charles Mills'; thence to John Haven's, including him; thence to the beginning.

SEC. 3. That there shall be and is hereby allowed one additional Constable to the county of Morgan.

Constable to
Morgan county

Approved January 8, 1838.

1838.

CHAP. 545—AN ACT to add an additional Justice of the Peace to Muhlenburg County.

WHEREAS, an act passed at the last session of the Legislature reducing the number of Justices of the Peace in Muhlenburg county: and, whereas, there is but one Justice of the Peace in Greenville, the county seat of said county, and great inconvenience experienced thereby in the obtention of *Writs of Injunction ne exeat, &c.*: and, whereas, the people of Greenville, and its vicinity, are very desirous that another Justice of the Peace should be appointed, having residence in Greenville—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be added to Muhlenburg county.

Approved January 8, 1838.

CHAP. 546—AN ACT to amend an act incorporating the town of Steamport, in the County of Henderson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Isaac Harmon, (proprietor,) Owen Thomas, John McElroy, Jr., James Thomas, and James M. Edwards, be and they are hereby continued as trustees of the town of Steamport, in the county of Henderson, for one year from and after the first day of April, eighteen hundred and thirty eight, and until their successors shall be duly elected and appointed, according to the directions of the act incorporating said town, approved twenty third of February, eighteen hundred and thirty seven.

Town established and plan to be recorded.

SEC. 2. That said town of Steamport shall be established on the bank of Green river, in said county, upon the land of Isaac Harmon, according to the plat thereof, as made out by the directions of said proprietor, and it shall be the duty of said Isaac Harmon, or the Trustees of town, to have said plat recorded in the Clerk's office of the Henderson County Court, on or before the first day of September, eighteen hundred and thirty eight, any law to the contrary notwithstanding.

Approved January 8, 1838.

CHAP. 547—AN ACT for the benefit of the Sheriff of Calloway County.

Further time to return his delinquent list to Auditor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Calloway county be allowed until the first day of June next, to return to the Auditor of Public Accounts his delinquent list of revenue tax of said county for the year eighteen hundred and thirty seven, and no motion on behalf of the Commonwealth shall be made

before the first day of June next, against said Sheriff, on account of his failure to pay into the public treasury the revenue due from said county in the year eighteen hundred and thirty seven.

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SEC. 2. That it shall and may be lawful for said Sheriff, by himself or deputy, to return to the County Court of Calloway, at their next April or May term of said Court, his delinquent list of County levy and State revenue for the year eighteen hundred and thirty seven, which shall be as good and valid as if the same had been done at the annual Court of Claims: *Provided, however,* That said Sheriff and his securities shall, in the County Court of Calloway county, first consent in writing to the indulgence here given at their next February term.

May return
his delinquent
list.

Securities to
consent, in writ-
ting.

Approved January 8, 1838.

CHAP. 548—AN ACT for the benefit of the citizens of Floydsburg, in Oldham County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that, by an order of the County Court of Oldham county, the citizens of the town of Floydsburg, in the county of Oldham, are required, by said court, to keep in repair the several public roads terminating in said town, to the number of five, one half mile from said town; and, that in the town of Floydsburg there are only about twenty four in number, and that the said roads, terminating in said town, require much labor to keep them in repair—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the County Court of Oldham County, on or before the next April term of their court, to alter their road precincts, and allot to said precincts hands in the following manner, viz: To the public road leading from Floydsburg to New Castle, all the hands living north-east of second cross street in said town, together with a sufficient number of other hands in the vicinity, shall be allotted to keep the same in repair one half mile from said town; to the public road leading from said town to Frankfort, all the hands living south of second cross street in said town to third cross street, and a sufficient number of other hands in the vicinity, to keep the same in repair one half a mile from said town; to the public road leading from said town to Middletown, all the hands in said town living south of third cross street and main, and east of the Middletown road, and a sufficient number of hands in the vicinity, to keep said road in repair one half mile from said town; to the public road leading from said town to Louisville, all the hands living south west of the Middletown road, main street and south of third cross street in

1838.

said town, and a sufficient number of hands in the vicinity, to keep said road in repair one half mile from said town; to the road leading from said town to Brownsville and Rollington, all the hands living between second and third, and northwest of main street in said town, and a sufficient number of hands living in the vicinity, to keep the same in repair.

Approved January 8, 1838.

CHAP. 549—AN ACT to establish a State Road from Sanders' Old Mill, to intersect the present State road leading from Brocksford to the town of Warsaw, in Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Reed, Alfred Crawley, and John Squires, any two of whom may act, be and they are hereby appointed to view and mark out a State road from where the present State road crosses Eagle creek, near Sanders' old mill, to intersect the State road at Mrs. Turpin's horse mill, leading from Brocksford to Warsaw; and said commissioners, or a majority of them, shall make their report, upon oath, to the County Court of Gallatin county, and upon which report it shall be the duty of said court to make an order for clearing out said road, forty feet wide, and appoint a surveyor, and allot him a sufficient number of hands to clear out the same; and that the commissioners, aforesaid, shall receive one dollar and fifty cents per day while employed in viewing the same, to be paid out of the county levy of said county.

Approved January 8, 1838.

CHAP. 550—AN ACT for the benefit of Isham Hardy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of twenty two dollars and fifty cents be and the same is hereby appropriated to Isham Hardy, as compensation to him for taking four hundred and fifty lists of taxable property in Barren county, under the laws in force when he was appointed commissioner, but which lists, before the return of his books, by law, were not in proper form or recorded by the court; and the Auditor is hereby directed to issue his warrant in favor of said Hardy for said sum, which the Treasurer is hereby directed to pay, out of any moneys in the treasury not otherwise appropriated.

Approved January 8, 1838.

CHAP. 551—AN ACT for the benefit of the Sheriff of Laurel County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Laurel county be and is al-

lowed further time, until the first day of April, eighteen hundred and thirty eight, to pay to the Auditor of Public Accounts his State revenue, collected by him for the year eighteen hundred and thirty seven, provided the securities of said Sheriff, at the January or February term of the County Court of Laurel county, enter upon record their assent to the law.

Approved January 8, 1838.

1838.

CHAP. 552—AN ACT to amend an act, entitled, an act to establish a State Road from the mouth of Salt River to the Ohio River, opposite Shawneetown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the County Court of Union county to change the ground upon which said road is directed to pass, in any part of the same in said county where the Ohio River has encroached on the ground that said road occupies, by the falling in of the banks, or where the same has been otherwise obstructed by the interference of said river.

County of
Union may
change road.

SEC. 2. *That it shall and may be lawful for the County Courts of Henderson, Breckinridge and Hancock counties to change the route of said road, in any part of the same within said counties, where it shall be apparent that the interest of the community shall be advanced, provided that a majority of all the Justices of said counties shall concur in said change.*

Henderson,
Breckinridge &
Hancock, may
do same.

SEC. 3. *That, before any of the proposed changes shall be made, the requisitions of the laws of this commonwealth, on the subject of public roads, shall be observed, and the provisions thereof complied with.*

Approved January 10, 1838.

CHAP. 553—AN ACT to authorize the construction of a Lock for the passage of canoes on the Kentucky river, opposite the mill dam of Major and Samuel King.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Major King and Samuel King be and they are hereby authorized to erect a small lock for the passage of canoes on the Kentucky river, on the opposite side of the river from their mill, provided that said lock shall not be so built as to obstruct the free navigation of the said river; and, provided, also, that if it should so operate, the court of the county in which said lock shall be built, shall, on the motion of any person or persons interested in the removal thereof, order and direct that the said lock shall be abated at the cost of the builders thereof.

Approved January 10, 1838.

1838.

CHAP. 554—AN ACT to amend the charter of the Oakland Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the seventh section of an act, entitled, an act to incorporate the Oakland Turnpike Road Company, approved February sixteenth, eighteen hundred and thirty seven, as makes said road a part of the Louisville and Elizabethtown Turnpike Road Company, be and the same is hereby repealed.

Approved January 10, 1838.

CHAP. 555—AN ACT allowing an additional Justice of the Peace to Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be allowed to the county of Rockcastle, who shall be commissioned according to law.

Approved January 10, 1838.

CHAP. 556—AN ACT for the benefit of Isaac Cox and children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Sarah T. Cox, Malvina A. Cox, and Christiana Cox, infant children of Isaac Cox, to join their father in a deed of confirmation to the claimants of lot number thirty four, in the city of Louisville, and such deed of confirmation shall be binding on them, and pass their title and claim to said lot, as though they were of full age.

Approved January 10, 1838.

CHAP. 557—AN ACT giving further time to the Sheriff of Nicholas County to return his delinquent list.

Further time
given to return
list.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Nicholas county shall have until the first day of July next to make out and return to the Auditor of Public Accounts his delinquent list for the year 1837, and his said list, when made out and returned, by the time aforesaid, shall be as good and valid as though it had been made out and returned as now required by law.

County court
to certify list.

SEC. 2. That the County Court of Nicholas county shall be and it is hereby authorized to receive the Sheriff's delinquent list, at any time before the said first day of July next, as though it had been made out and presented in due time, as now required; and should said Sheriff have paid the entire amount of the

revenue of his county, collectable in 1837, before presenting his delinquent list to the Auditor, the Auditor shall, upon the receipt of said list made out as before provided, issue his warrant on the Treasury for the amount of the same in favor of said Sheriff, payable out of any money in the treasury not otherwise appropriated.

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Approved January 10, 1838.

CHAP. 558—AN ACT to change the place of holding elections in the Lower Blue Lick Precinct, in the County of Nicholas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, approved the eleventh day of February, one thousand eight hundred and thirty six, entitled, an act to change the place of elections in the lower Blue Lick precinct, in Nicholas county, shall be and the same is hereby repealed, and that the elections in said precinct shall, hereafter, be held at the said Blue Licks at the house now occupied by Robert Payne.

Approved January 10, 1838.

CHAP. 559—AN ACT for the benefit of the Clerks of the Circuit and County Courts of Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so soon as the Clerks of the Circuit and County Courts of Gallatin county shall have removed all the books and papers belonging to their respective officers to the town of Warsaw, in said county of Gallatin, it shall be the duty, and the County Court of said county is hereby directed to levy a sum sufficient, at their next court of claims, to defray the necessary expenses incurred for the transportation of the same, as also to cover the rents for houses which are to be used exclusively for the offices aforesaid.

Approved January 10, 1838.

CHAP. 560—AN ACT allowing an additional Justice of the Peace to the County of Wayne.

• *WHEREAS,* is is represented that an additional Justice of the Peace is needed in Wayne county, on the north side of the Cumberland river—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed to the county of Wayne one additional Justice of the Peace.

Approved January 10, 1838.

1838.

CHAP. 561—AN ACT to allow one additional Constable to the County of Shelby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That one additional Constable be allowed to the county of Shelby, to reside near the mills and tanyard of Major Leonard W. Scarce, on Guest's creek.

Approved January 10, 1838.

CHAP. 562—AN ACT for the benefit of James Q. Kendrick.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for James Q. Kendrick to sell a negro man slave named *Reuben*, who was raised in Kentucky, taken to Virginia, and who is now in Pike county, among his relations, to any citizen of Pike county; any law to the contrary notwithstanding.

Approved January 10, 1838.

CHAP. 563—AN ACT to amend the charter of the City of Louisville.

City boundary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boundary of the city of Louisville shall begin at the northwest corner of the former town of Portland, and running thence with its line to the southwest corner of said town; thence to the southwest corner of the city, on the Shippingport and Salt river road; thence with the city line to low water mark on the south fork of Beargrass; thence to the northwest corner of James Southard's land, common to him and Pettitt, on the Bardstown Turnpike; thence with Southard's and Pettitt's line to the old line of Southall and Charlton; thence with that line to the middle fork of Beargrass, at low water mark; thence to a point, formerly Jacob Geiger's upper corner on the Ohio river; thence north, across the river to low water mark; thence with the river, at low water, to a point due north from the beginning, and thence across the river to the beginning.

Certain ground subject to taxation.

SEC. 2. That all the ground lying between eighteenth cross street, on the east; Portland avenue, on the south; the Shippingport road, on the west, and the Canal ground, on the north, and all the ground on the south side of the Portland avenue, to the depth of the five acre lots thereon, shall be subject to the same rate of taxation, by the city, as other property within it.

Election of Mayor.

SEC. 3. That the Mayor of said city shall be elected by the qualified voters thereof, at the time and places of holding the election of members of the council, and shall hold his office for the term of three years, and until his successor is elected. He shall be ineligible for three years after the ex-

piration of his term; upon his death, resignation, removal from office, or the vacation of his office, by removing from the city, a successor to the Mayor, for the unexpired residue of his term, shall be elected by the council. He shall have no power to revoke a license. He shall remove from office any officer whose removal is confided to him, on the application of the council, nine members concurring therein. He shall not, by improper interference with any city, state, or national election, attempt to control or influence the vote of another, and if he shall so interfere, the council shall, for that cause, remove him from office—its members determining what is or is not such an improper interference with an election.

Sec. 4. That no person shall be eligible as a member of the council of said city, who is not of the age of twenty five years; who is not a resident of the ward electing him; who has not resided in the city three years next preceding the election; who is not a free holder, or housekeeper with a family, and who shall not have paid his city taxes at least twenty days previous to the election.

Sec. 5. That when the Mayor, or any member of the council, shall consent to become a candidate for a seat in the Legislature, or Congress, such consent shall be deemed a resignation of his office.

Sec. 6. That the council, nine members concurring, (after ten days' previous notice,) may expel any one of its own body, or remove the Mayor from office, the reasons therefor being spread on its journal. The concurrence of a majority of all its members shall be required, in electing any officer elective by the council; in the purchase and sale of real estate; in contracts involving the expenditure of money; in all acts for raising money; in all appropriations of money, (except for the payment of fixed salaries and wages,) and in the passage and repeal of ordinances; nor shall any ordinance be passed upon the day on which it is introduced. It shall not make, or authorize, any contract for the payment of money, at a day beyond the current fiscal year ending the tenth day of March, except for the completion of the court house and the erection of a work house and jail; and in compliance with the contract with the Louisville Medical Institute; and for the improvement of the square designated for a University; and for completing the purchase of the city wharf; nor shall it obtain money, on loan, for the use of the city, except in anticipation of the revenue of a current fiscal year, to be repaid out of the same within such year. Every contract or loan, made or obtained contrary hereto, shall be void as against the city, its property and revenue; but shall be binding on the members of the council, jointly and severally, who were present when such contract or loan was authorized, and failed to record his or their votes against the same on its journal. If the Legislature shall, hereafter, authorize the council to make contracts, or obtain loans contrary hereto, unless otherwise

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He is not to
revoke a license

He shall
remove officers

He shall not
interfere in e-
lections.

Who shall
not be eligible
as councilmen.

What shall
vacate their of-
fice.

Mayor or coun-
cilman may be
expelled.

Limitation of
the powers of
the Mayor and
council.

1838.

specially provided, if shall not be lawful for the council to make such contract, or obtain such loan, without the previous assent of a public meeting of the citizens, to be convened for that purpose, after ten days' previous notice, and publication of the law, in two public newspapers printed in Louisville.

Notice to be given to owners of property before contracts are made for grading, &c.

SEC. 7. That before any contract for grading or paving streets, alleys or side walks shall be made, it shall be the duty of Mayor and Council to cause written notice to be given to the owners and proprietors of the lots, and parts of lots, fronting such street or alley, if they be known, or be residents of the city, or not absent therefrom, that they may propose for the work; and the council shall cause the notice to be served by the Marshal, and filed away with the contract that may be made for the work; but want of notice shall not vitiate the contract.

Who not to be contractors.

SEC. 8. That neither the Mayor, or any member of the council, shall, directly or indirectly, be interested in any contract with the city; and, for any violation of this provision, he shall be expelled or removed from office.

Mayor to make contracts

SEC. 9. That the Mayor shall, under the direction and control, and subject to the ratification of the council, make and execute all contracts in the name and on behalf of the city: when of sufficient magnitude, sealed proposals shall be first obtained and laid before the council, and when satisfied that better proposals cannot be obtained by personal solicitation, or otherwise, it may direct with whom the contract shall be made, or decline making such contract for the time.

Tax shows.

SEC. 10. That the council shall have the same power of taxing and regulating theatrical performances as other shows and exhibitions in said city.

City to be divided into wards.

SEC. 11. That in the year one thousand eight hundred and forty, and every five years thereafter, the council shall divide the city into eight wards, as nearly equal in population and voters as may be; and, for that purpose, previous to any such division, it shall cause a census of the population and voters in each ward to be taken; thereafter, the concurrence of ten members of the council shall be necessary to expel a member of the council, or to remove the Mayor.

Freedom of the city to be granted.

SEC. 12. That the council shall have power to grant, under the corporate seal, the freedom of the city to persons for distinguished services, or benefactions to the city; and it shall be its duty to grant the freedom of the city to aged, infirm or disabled firemen.

Qualified voters.

SEC. 13. That no one shall vote elsewhere than in the ward in which he may reside at the time of any city election; nor shall any one (except those to whom the freedom of the city may be granted,) have a vote in any such election, who is not a free white male citizen of Kentucky, above the age of twenty one years, and who has not resided in said city one year next previous to the election, and paid the city taxes of that year twenty days previous to the election. Every free white

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male citizen, over the age of twenty, who has been assessed for the city tax, and not called on for the same, may pay the same to the city clerk, twenty days before the annual election; and when such citizen has not been assessed, he may, twenty days before such election, by making proof of his residence and citizenship to the city clerk, cause himself to be assessed and pay his taxes. The council shall, previous to each annual election, cause alphabetical lists to be made of the resident citizens of each ward who have paid their city taxes of the preceeding year, or who have the freedom of the city granted to them, and furnish the same to the inspectors of the election; and the inspectors shall suffer no one to vote whose name is not on the list, and who does not possess the other qualifications required by the charter, unless he produces the receipt of the collector, or clerk, for the payment of his taxes twenty days before the election, or the grant of the freedom of the city, and satisfactory proof of the other qualifications. The council shall, also, furnish the inspectors with ruled books for recording the votes taken, which shall be returned to the council, with the certificate of the inspectors.

Sec. 14. That no person shall sell any spirituous, malt, or fermented liquor, in said city, by the retail—that is, in any quantity less than a quart—without licence of the council, under the penalty of fifty dollars for every such offence. Persons obtaining such license shall be classed by the council, first, second, and third: those of the first class, shall pay therefor three hundred dollars; those of the second, two hundred dollars; and those of the third, one hundred dollars. No person shall sell groceries, by the retail—that is, by the single pound, or in quantities less than a gallon—without the license of the council, under the penalty of one hundred dollars. Persons obtaining such license shall, also, be classed, first, second, and third: those of the first class, shall pay therefor fifty dollars; those of the second, thirty dollars; and those of the third, fifteen dollars. The said penalties shall be recovered by presentment of a grand jury. No such license shall be granted for a longer or shorter period than one year; nor shall any license be granted to retail liquor in any theatre, circus, or any other place of public amusement.

Licenses to
sell spirits, &c.

Sec. 15. That if any tavernkeeper, or other licensed retailer of liquors, shall be convicted of keeping a disorderly house, or of permitting unlawful gaming in his house, before any court of competent jurisdiction, his license shall be thereby annulled, and he rendered disqualified for the space of five years thereafter from receiving a license for keeping a tavern, or vending liquor by the retail; and if he shall, thereafter, within the space of five years, venture to keep a tavern, or vend liquor by the retail, in said city, with or without license, by himself, or through a partnership with, or by the agency of another, he and such other shall be subject to all the pains and penalties for keeping a tavern, or vending liquor by the retail, without license.

Penalty on
tavern keepers
for keeping dis-
orderly houses.

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Agencies for
insurance com-
panies.

Sec. 16. That no insurance company, chartered by the State of Kentucky, nor the stock held therein, shall be liable to be assessed for city taxation; but if any person shall, within said city, as the agent of an insurance company not chartered by this State, grant any policy of insurance within said city, without first obtaining from the council an annual license, he shall forfeit the sum of five hundred dollars, for every such offence, to be recovered by indictment or presentment; nor shall any such license be granted by the council until the applicant shall have left with the clerk of the council, to be always kept for public inspection, a copy of the charter of the company for which he proposes to act, nor until he shall have paid the sum one of hundred dollars.

Canal com-
pany not to be
taxed.

Sec. 17. That the lands of the Louisville and Portland Canal Company, nor the stock held therein, shall be liable to be assessed for city taxation; and all that part of the present charter of said city which authorizes the city council to impose a tax upon said canal, be and the same is hereby repealed.

Approved January 16, 1838.

CHAP. 564—AN ACT to change name of the Caldwell County Seminary to that of the Princeton Seminary, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the name of the Caldwell county Seminary shall be changed to that of the "Princeton Seminary," and the Trustees of said Seminary shall consist of five, three of whom shall constitute a quorum to do business, and that William Wadlington, sen., Richard Barnes, William McGowan, John Wylie, and Francis W. Urey, be and they are hereby, from and after the passage of this act, appointed Trustees of said Princeton Seminary—who shall have all the powers heretofore given by law to the Trustees of the Caldwell Seminary, after being duly qualified.

Approved January 16, 1838.

CHAP. 565—AN ACT for the benefit of the Sheriff of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Green county shall have until the first day of May next to pay fourteen hundred dollars of the revenue of said county into the public treasury, provided his securities shall, on or before the next March term of the County Court of said county, in open court, agree to the indulgence given by this act, which consent, when made by them, shall be entered, by the clerk of said court, of record.

Approved January 16, 1838.

CHAP. 566—AN ACT to repeal the law authorizing the Judge of the Green Circuit Court to hold a Chancery Term of said Court in the month of December.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all acts, or parts of acts, requiring or authorizing the Judge of the Green Circuit Court to hold a Chancery Term of said court, in the month of December, be and the same is hereby repealed.

Approved January 16, 1838.

CHAP. 567—AN ACT to change the place of voting in the Mount Eden Precinct, in Spencer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the place of voting in the Mount Eden Precinct in Spencer county shall be at the house now occupied by George T. Hickman, in the town of Mount Eden.

Approved January 16, 1838.

CHAP. 568—AN ACT for the benefit of George Morris, Jr., heir at law of George Morris, deceased.

WHEREAS, it is represented to the present General Assembly, that George Morris, deceased, late of the county of Christian, died, leaving many contracts for the sale of land unexecuted, and that in most instances the time for executing the contract on his part, by making a deed, had (owing to his protracted ill health,) elapsed before his death, by reason of which much delay and expense will occur, as well to his purchasers as his infant heir, who is a child of tender years: and, whereas, also, it is further represented, that as to some of his contracts, expensive, tedious, difficult, and doubtful law suits are like to arise, and it is believed that it would be advantageous to the heir that the same may be settled amicably by compromise, reference to arbitration, or cancelment of the contract; and the guardian of said infant heir having petitioned for power to comply with said contracts, or settle the same in an amicable summary mode—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the guardian, for the time being, of George Morris, jun., infant heir of George Morris, deceased, be and he is hereby vested with full power and authority to convey land in pursuance of any written contract said George Morris, deceased, may have made in his lifetime, by himself or his authorized attorney, and which, at the time of his death, was not fully complied with; but in no instance shall he convey, without the written assent of one or both of the admin-

Guardian authorized to convey lands.

1838.

Deeds to be
prima facie ev-
idence that
they were prop-
erly made.

istrators of said decedent; and the deeds so made by the guardian shall be as binding on the heir as if the said Morris had conveyed in his lifetime, but shall bind him no farther.

SEC. 2. That in deducing title through any deed which may be made under and by virtue of this act, it shall not be necessary to produce or prove the writing by virtue of which it was made, nor the written assent of the administrator, or administrators; nor shall it be necessary in a contest with the heir, unless the writing or assent aforesaid be denied upon oath; but in all cases where it may be necessary to produce a deed, made by virtue of this act, the same, or a duly attested copy thereof, shall be deemed and held by all courts in this Commonwealth to be *prima facie* evidence that it was properly made, upon valid authority.

Guardian
may cancel
certain con-
tracts.

SEC. 3. That the said guardian, for the time being, in conjunction with the administrators, by and with the assent of the widow of said decedent, shall have, and they are hereby vested with full and complete power and authority to cancel any contract which the said George Morris, in his lifetime, may have made, for the sale of land, where the purchaser or purchasers shall refuse to comply, if the said guardian and administrators shall, in their discretion, believe it to be advantageous to the heir to do so; or may submit the same to arbitration, either before or after suit brought: *Provided, however,* That in all cases where deeds may be made, or contracts cancelled, by virtue of any of the provisions of this act, the said infant heir shall have the same time allowed him, after his arrival at full age, to impeach the same by suit, or otherwise, that a court of chancery would have allowed him to open a decree, had the same been decreed by the chancellor.

Writings to
be filed with
the Clerk.

SEC. 4. That in all cases where the guardian shall make deeds, or cancel contracts, under the provisions of this act, he shall take in the writing upon which he acted, and file the same with the clerk of the court by whom he was appointed, upon a settlement of his accounts—there to remain and be kept as other vouchers for the inspection and benefit of the heir and all others concerned.

A sale of
land may be
decreed.

SEC. 5. That if the contract, as to any land sold, as aforesaid, be rescinded under the provisions of this act, it shall and may be lawful for the court of chancery of the county where the land shall lie, upon the application of the heir, by his guardian or next friend, to decree a sale of the land, if it shall be deemed right and proper.

Approved January 16, 1838.

CHAP. 569—AN ACT for the benefit of the heirs of James L. Gill, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the executor of James

1838.

L. Gill to file a bill, in the Anderson Circuit Court, against the widow and heirs of said Gill, alledging that there is certain lands in the county of Anderson, not devised nor directed to be sold by the will, and which descended to the heirs, and that it will be to their advantage to have the same sold, to pay the debts, in lieu of the slaves and personal estate; and that he, the executor, has contracted for the sale, under the expectation that he had power under the will to sell the same, and make the purchaser a party; and if it shall appear to the court that it would be to the interest of the heirs to have the land sold, in lieu of the slaves and personal estate, for the payment of debts; and that the price at which the executor has contracted to sell it, is a full and fair price, the court may order the sale of the land, or confirm the sale made by the executor, and cause a conveyance to be made and the proceeds to be applied to the payment of the debts of said Gill: *Provided, however*, That before the Judge of said court shall decree a sale of said real estate, he shall require the executor of said Gill to execute bond, with sufficient security, conditioned for the faithful appropriation of the money as ordered and decreed by him; and shall have power to require said executor to make report to him of the manner in which the money has been disbursed.

Anderson circuit court authorized to decree a sale of land to pay debts.

Executor to give security.

Approved January 16, 1838.

CHAP. 570—AN ACT for the benefit of the Sheriff of Estill County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Estill county be allowed the further time, until the first day of May next, to pay into the public Treasury one hundred and forty dollars of the revenue due from him for the year 1837: *Provided however*, That the securities of said Sheriff do, on or before the first day of February next, agree, in the County Court of Estill to said indulgence to their principal—said consent of said securities to be entered of record on the minutes of said court, and certified by the Clerk thereof to the Auditor of Public Accounts: *And, provided further*, That in case of the failure of said Sheriff to pay said revenue into the public Treasury, on or before the first day of May next, the Auditor may move against said Sheriff, and his securities, for judgment at the next term of the General Court; on the third day thereof, without giving notice thereof, in the same manner he is authorized to move against Sheriffs and their securities in like cases, at the January term of said court.

Approved January 16, 1838.

1838.

CHAP. 571—AN ACT to authorize the Clerk of the Nelson County Court to make a general index to certain deeds and other papers of record in his office.

WHEREAS, it is represented to the present General Assembly, that the indexes to the deed books in the County Court Clerk's office of Nelson county are much worn and defaced, and need transcribing, in order to have an easy and ready reference to the deeds of record in that office—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Clerk of the County Court of Nelson, be and he is hereby authorized and directed to make out a general index to all the deeds and other instruments of writing on record in the Clerk's office of the late district court, held in Bardstown, the quarter session court of said county of Nelson, the circuit court, and, also, of the county court of said county, up to the eleventh day of December 1837, which are now recorded in books in his office, and shall submit the same to the county court of said county for their approval.

SEC. 2. That said court shall, after they shall have examined and approved of the index hereby directed to be made out, proceed to levy upon the county a sum sufficient to pay for the same; or they may pay it out of any money of said county, in deposit, not otherwise appropriated, such sum for the making out of said index as they shall deem right and just, making the allowance only for said index as to the 10th day of May 1830.

Approved January 16, 1838.

CHAP. 572—AN ACT for the benefit of the Sheriff of Fayette.

Further time
given to return
delinquent list.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Fayette be allowed further time, until the first day of May 1838, to return his delinquent list of revenue tax and jury fees for the year 1837, and the Fayette County Court is hereby empowered to certify said delinquent list, at any time before said first day of May 1838, and for said delinquent list the Auditor of Public Accounts shall give said Sheriff credit; and for any excess paid by said Sheriff on account of said revenue, the Auditor shall issue, in his favor, a warrant on the Treasurer.

Auditor's ad-
ditional list to
be re-listed.

SEC. 2. That the Auditor shall be and he is hereby required to relist, with said Sheriff, the Auditor's additional list which was forwarded to said Sheriff in the year 1837, and if the Fayette County Court shall be satisfied, by legal proof, that any of the persons charged in said additional list, with arrearages of revenue tax, has been improperly listed twice in one year, with the revenue tax on the same articles of property, and that such person has paid his revenue tax for such

year, the Auditor, upon a certificate thereof from said county court, shall give said Sheriff credit for such arrearages so charged to said person in said additional list.

1838.

Approved January 16, 1838.

CHAP. 573—AN ACT for the relief of William B. Parker, late Sheriff of Lewis County.

WHEREAS, it appears to the satisfaction of this Legislature, that the Commissioner of tax for the county of Lewis, in the year 1836, improperly and illegally listed for taxation, in said county, the property of Charles A. Marshall and Thorton Hord, who were, at the time, citizens of Mason county, amounting to the sum of twenty two dollars and ninety cents, whereby William B. Parker, then Sheriff of said county, became chargeable with the sum of twenty two dollars and eighty nine cents, the tax on said property, and that he has paid the same into the Treasury, though he could not lawfully collect the same from said Marshall and Hord—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be, and he is hereby authorized to issue a warrant upon the Treasurer in favor of William B. Parker, late Sheriff of Lewis county, for the sum of twenty two dollars and eighty nine cents, in satisfaction for the sum paid as aforesaid.

Approved January 16, 1838.

CHAP. 574—AN ACT to change the mode of appointing Trustees to the Cumberland Hospital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act establishing the Cumberland Hospital, approved January 23d, 1827, as appoints the Trustees of said Hospital, and authorizes them to fill vacancies which may occur in their body, shall be and the same is hereby repealed, and from and after the passage of this act the Governor, for the time being, shall nominate, and by and with the advice and consent of the Senate, annually appoint five Trustees for said Hospital, who shall, before they enter upon the duties of their office, take the oath and give the bond as directed by the before recited act; who shall hold their office for one year, and until their successors shall be appointed and qualified; and they shall have power to fill vacancies which may happen in their body, to serve until others shall be appointed.

Approved January 16, 1838.

1838.

CHAP. 575—AN ACT to amend the law in relation to the collection of the Public Revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where indulgence has heretofore been, or shall hereafter be extended, to any Sheriff of this Commonwealth, for the payment of the revenue, or any part thereof, to a period beyond that which is allowed by the revenue laws; and if said Sheriffs, or any one of them, shall fail to pay the full amount of the revenue due by said Sheriff, at the time to which indulgence shall be extended, it shall be the duty of the Auditor to make a motion, on the third day of the General Court, which shall be next thereafter holden, against the Sheriffs, severally, who shall make default, and his and their securities, and no notice of the time and place of making such motion shall be necessary; and, thereupon, the same proceedings shall be had, as if the indulgence had not been given.

Approved January 16, 1838.

CHAP. 576—AN ACT to incorporate the Kentucky Silk Manufacturing Company.

WHEREAS, Lazarus Powell, William Soper, Thomas J. Johnson, and others, by their petition to the Legislature, pray to be incorporated as a Silk Company, for cultivating the different kinds of mulberry trees, raising silk worms, and manufacturing silk; and this Legislature being disposed to encourage so useful and important an undertaking—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lazarus Powell, William Soper, Thomas J. Johnson, William G. Taylor, Hervy Green, Edmund H. Hopkins, Livingston G. Taylor, Stephen B. Peet, and such others as are now, or hereafter, may be associated with them for that purpose, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; by the name of "the Kentucky Silk Manufacturing Company;" and, by that name, they and their successors and assigns, shall and may have continued succession, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said Corporation.

SEC. 2. That the capital stock of said incorporation shall not exceed two hundred and fifty thousand dollars, and that sub-

Company incorporated.

1838.

scriptions to the capital stock, under the directions of the President and Directors, to be opened until the number of shares subscribed shall be sufficient, in the opinion of a majority of the Directors, to commence the business contemplated by this act—and each share in said corporation shall be twenty five dollars.

Capital stock.

SEC. 3. That the stock, property, affairs and concerns of said corporation shall be managed and conducted by not less than five nor more than seven Directors, one of whom to be President, unless the number of Directors elected shall be less than seven, in which case, the Directors may elect any stockholder to be President, who shall hold their office for one year from the first Tuesday in November in every year; and that the said Directors shall be elected on the first Tuesday of November, in every year, at such time of the day and at such place as a majority of the Directors, for the time being, may appoint; and public notice shall be given by the Directors, not less than thirty days previous to the time of holding such election, by an advertisement to be inserted in at least three public newspapers, one printed in the city of New York, one printed in the city of Louisville, and one printed nearest where the main business of the corporation is conducted; said election shall be made by such stockholders of the corporation as shall attend for that purpose, in their proper persons, or by proxy, and all elections shall be by ballot, each share of stock having one vote; and the persons, not less than five or over seven, who shall have the greatest number of votes at an election shall be Directors; and the said Directors, as soon as may be after their election, shall proceed by ballot, to elect a President, and if any vacancy or vacancies shall, at any time, happen among the Directors elected by the stockholders, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the Directors, for the time being, or a majority of them, shall appoint. The first Directors shall be Lazarus Powell, William Soper, William G. Taylor, Stephen B. Peet, Livingston G. Taylor, and John S. Chapman, and shall hold their offices until the first Tuesday of November 1838.

President & Directors to be elected.

First directors.

SEC. 4. That it shall be lawful for the President and Directors of the said corporation, or a majority of them, to call and demand of the stockholders, respectively, all such sums, as by them subscribed, in such manner, at such times, and in such proportions, as they shall deem fit, on pain of forfeiture of their shares and all previous payments thereon to said corporation, always, at least, giving thirty days previous notice of such call and demand in the public newspapers to be published as aforesaid.

Calls on stock.

SEC. 5. That in case it should, at any time, happen, that an election of Directors should not be made on the day that, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved; but it

Election of Directors.

1838.

shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Further powers of Directors.

SEC. 6. That a majority of the Directors, for the time being, shall form a board, or quorum, for transacting all the business of said corporation; and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States, or of this State, as to them appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said corporation; the duties and conduct of the officers, clerks and servants employed therein; the election of Directors, and all such matters as appertain to the concerns of the institution, and shall have power to employ so many officers, clerks and servants, for carrying on the business of the corporation, with such salaries and allowances as to them shall seem meet.

Transfer of stock.

SEC. 7. That no transfer of stock shall be valid or effectual until such transfer shall be made and entered on the book or books, to be kept by the President and Directors, or by an officer or officers appointed by them for that purpose.

Corporation not to engage in banking.

SEC. 8. That the corporation, hereby created, shall not engage in any Banking business or transaction whatsoever, or in any other business or transaction, excepting such as may be proper and necessary to carry into effect the declared objects of this act.

Approved January 16, 1838.

CHAP. 577—AN ACT to apply the fines and forfeitures hereafter accruing in Adair County, to lessening the County levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures, directed by the tenth section of an act, entitled, an act to amend the several acts concerning the Columbia College, shall, henceforth, be paid to the order of the county court of Adair, and by said court to be applied to lessening the county levy annually.

Approved January 16, 1838.

CHAP. 578—AN ACT for the benefit of John D. Martin, of the County of Monroe.

WHEREAS, John D. Martin, in the county of Monroe, on Indian creek, has erected a mill dam, which has backed the water so far up said creek as to make the ford where a neighborhood road crosses the creek, impassable; the same being on the land belonging to said Martin—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Martin be permitted to change said

road, so as to cross the creek above the back water of said dam; and that said Martin be permitted to continue said dam where it now stands, provided the same shall not, at any time, be elevated more than ten feet; any law to the contrary notwithstanding.

1838.

Approved January 16, 1838.

CHAP. 579—AN ACT to amend an act, entitled, an act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools, approved 29th January, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, to which this is an amendment, as exempts the property of any person, or persons, from taxation, which may be situated in any school district of which he or they are not inhabitants, be and the same is hereby repealed, so far as the same may be, or shall be, applicable to or enforced in the county of Campbell.

Approved January 16, 1838.

CHAP. 580—AN ACT to incorporate the town of Union in Boone County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That from and after the passage of this act, the town of Union shall be bounded as follows: Beginning on the Burlington road, at the north west corner of O. J. Lindsey's tract of land; thence east, with his line, to include his present residence; thence south to a point, when running west from said point, will include the property and present residence of James Brown; thence west, from said point, to the division line between A. Stansifer and C. Scott; thence north, with said line, to J. P. White's; thence east to C. Scott's gate; thence north, and with the division line between said Scott and H. F. B. Childress, to a point, when running east from said point, will strike the beginning.

Town boundary.

SEC. 2. That John C. Riley, John P. White, Morris Lasing, James Brown, Alanson Adams, and Henry F. B. Childress, be and they are hereby appointed Trustees of the said town of Union, and shall continue in office until the first Saturday in June, 1838; and at the expiration of their term, it shall be lawful for the citizens of said town to elect five Trustees for said town, the above named Trustees giving ten days' notice of the time and place of such election, of their successors, who shall remain in office one year after their election.

Trustees appointed.

Election of Trustees.

SEC. 3. That there shall be an election held for Trustees on the first Saturday in June, in every year; and when any vacancy shall happen, by death, removal, resignation, or other-

Time of election.

1838.

wise, the Board of Trustees shall have power to fill such vacancy until the next annual election of Trustees in and for said town.

**Electors of
Trustees.**

SEC. 4. That each free white male person of the age of eighteen years, being an actual resident of said town, or holding title to real estate therein, shall be entitled to vote for Trustees.

**Trustees may
make by-laws.**

SEC. 5. That the Trustees of said town shall have power to make rules and enact such by-laws, for the regulation and government of said town, as they shall deem necessary, provided such rules and by-laws are not contrary to the constitution and laws of this Commonwealth: and the said Trustees shall have power to inflict a fine, not exceeding five dollars, for every breach of their by-laws, to be sued for and recovered in their name, before any Justice of the Peace for the county of Boone, and to be applied to the use of the town.

**Levy a tax,
do appoint As-
sessor and Col-
lector.**

SEC. 6. That the Trustees of said town shall be and they are hereby authorized to lay a tax on the inhabitants and persons holding real estate therein, sufficient to clear and keep in repair the streets and side walks of the same, provided the tax imposed shall not exceed one dollar on each tithe, nor twenty five cents on each hundred dollars worth of taxable property, in each year: *Provided, also,* That no tax shall be laid upon any real estate in said town, unless four of the Trustees shall concur therein: and said Trustees shall have power to appoint a Commissioner and Collector, for the purpose of carrying into effect the foregoing provision, and make each Commissioner and Collector such compensation for their services as they may think reasonable.

**Clerk to be
appointed, his
duty and pay.**

SEC. 7. That the Board of Trustees, in and for said town, shall appoint a Clerk, whose duty it shall be to keep a fair record of the proceedings of said Trustees, which shall be open for the inspection of any person desiring to see the same; and said Trustees shall be at liberty to make any reasonable allowance to the Clerk for his services, out of any funds which may come into their hands, under the provisions of this act.

**Quorum to do
business.**

SEC. 8. That a majority of the Trustees of said town shall have power to do and perform every thing which they may be authorized to do under the provisions of this act.

**Citizens not
exempted from
working roads.**

SEC. 9. That nothing in this act contained shall be so construed as to exempt the citizens of said town from working roads and highways, in such precincts and districts as the County Court of Boone, under the laws now in force, shall, from time to time, order and direct.

**Collector to
give bond.**

SEC. 10. That the Trustees of said town shall take bond, and security, from their Collector, for the faithful performance of the duties assigned him.

Approved January 17, 1838.

CHAP. 581—AN ACT for the benefit of the heir and creditors of John Robbins.

1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the personal representatives of John Robbins to file a bill in chancery, in the Green Circuit Court, against the heirs of said Robbins, alleging that the personal estate is not sufficient to pay the debts, and that it will be advantageous to the heirs to sell one hundred and seventy five acres of land in Green county, for the payment of debts: and it shall be lawful for said court to decree a sale and conveyance of said land if it shall be found necessary for the payment of debts, and cause the proceeds to be applied to the payment of the debts of the decedent, and the surplus, if any, paid over to the guardian of the infant: and if the widow shall consent to a sale of her dower interest the court shall cause it to be sold and make her a fair compensation for her dower, by directing one third of the purchase money to be invested in stocks or safe securities, and the interest to be paid to her during life, and secure the principal to the infant heir at her death: provided, the court shall require from the personal representatives bond, with good security, for the faithful application of the proceeds of said land.

A sale of real estate to pay debts authorized.

Approved January 17, 1838.

CHAP. 582—AN ACT to reduce the number of Justices of the Peace in the County of Spencer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for the County Court of Spencer County to nominate, for appointment, persons to fill existing vacancies, nor any vacancy that may hereafter occur, by death, resignation, removal, or otherwise, until the whole number of Justices of the Peace in said county shall be reduced to nine in number; and, thereafter, the number of Justices of the Peace in said county shall be nine instead of twelve, as now provided by law.

Approved January 17, 1838.

CHAP. 583—AN ACT for the benefit of Joel Herndon, Sheriff of Owen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joel Herndon, Sheriff of Owen County, be and he is hereby allowed until the Regimental Court of Assessment of the one hundredth Regiment of Kentucky Militia, for the year 1838, to return his delinquent list of Militia Fines for the year 1836.

Approved January 17, 1838.

1838.

CHAP. 584—AN ACT for the benefit of Edward Oldham and Mary Oldham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Edward Oldham, and his wife Mary Oldham, be and they are hereby divorced, and each of them shall be entitled to all the rights and privileges of unmarried persons: *Provided,* The said Edward Oldham shall, within the space of six months, execute to the said Mary Oldham a deed of conveyance to her for life, remainder to the children of Mary Oldham living at the date of the conveyance, in fee, to the tract of land in Missouri which the said Edward Oldham has purchased and settled the said Mary Oldham upon; and shall, also, convey to her the negroes which he gave her, and now in her possession, to her, in the same manner as the land is above directed to be conveyed.

Approved January 17, 1838.

CHAP. 585—AN ACT to alter the mode of listing property for taxation.

Persons giving in list of property shall not be required to swear, and Commissioner to take oath.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of all laws, now in force in this Commonwealth, as requires persons giving in their list of taxable property to add to his or her list, on oath, the value of the taxable property therein contained, as well as so much of an act, entitled, an act to amend the Revenue Law, approved February 23, 1837, as requires the Commissioners of the Revenue to swear, or affirm, that they will well, truly, and faithfully, report to the County Court all persons who shall refuse to add to his or her list of taxable property, on oath, the value of each article contained therein, as required by law, be and the same is hereby repealed.

Commissioner to take oath to affix a fair valuation.

SEC. 2. That before any Commissioner of the Revenue enters upon the duties of his office, he shall, in addition to the oath now required by law, swear, or affirm, that he will fix a fair and full value on all the property listed by him for taxation, which valuation may be made by his own view, or such other information, on oath, as he may be enabled to obtain; and if any part of the taxable property of any person be absent, or cannot be conveniently seen by the Commissioner, then, and in that case, he shall have power to require, on oath, of the person giving in his or her list, such verbal description of any such property so absent, as will enable him to fix a value thereon.

SEC. 3. That it shall be the duty of the Secretary of State, forthwith, to distribute, by mail, a competent number of copies of this act among the County Court Clerks of this State, whose duty it shall be to hand a copy to each commissioner,

Approved January 17, 1838.

CHAP. 586—AN ACT to authorize a division of the Estate of Richard Morris, deceased.

1838.

WHEREAS, it is represented to the General Assembly of this Commonwealth, by the heirs and devisees and executor of Richard Morris, deceased, late of the State of Virginia, that a friendly suit in chancery has been instituted in their behalf, in the County Court of Hanover in the said State of Virginia, for the purpose of obtaining a division and distribution of the estate of the said Richard Morris, including that portion of it which is in the State of Kentucky; and the sanction of the Legislature of this State, and its aid are necessary to give effect to the decree, which is expected shortly to be had and rendered in the said suit—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the heirs and devisees of Richard Morris, deceased, or any of them, to file a bill in chancery in the Christian Circuit Court against the executor of said Morris, and if all the heirs and devisees shall not be complainants, then against those of them who are not, and file a copy of the will of said Morris, and a copy of the record of the County Court of Hanover of the State of Virginia, distributing and dividing the estate of the said Morris; and it shall be lawful for said court to confirm the distribution and division of the estate of said Morris, so far as the same may be in the jurisdiction of this State, and to cause deeds of partition to be executed by a commissioner of the court; and if the distribution and division are not equitable, the court may proceed to make an equitable one and carry the same into effect.

Approved January 17, 1838.

CHAP. 587—AN ACT for the benefit of the heirs of Lindsey Beaumont, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the administrator of Lindsey Beaumont, deceased, to file his petition in chancery, in the Garrard Circuit Court, praying for a sale of the real estate of his intestate, for the purpose of paying his debts. It shall be the duty of said administrator to make the widow and heirs of said Beaumont parties to said petition; and if it shall appear to said court, that the whole of the personal estate of the decedent has been exhausted in the payment of debts, and that there yet remain other debts unsatisfied, it shall be lawful for said court to decree a sale of the real estate, descended, upon such terms and credits as may be deemed just and proper, having due regard to the rights of creditors, as well as the interest of the heirs.

May file a bill in chancery.

Court may decree a sale.

SEC. 2. That said court shall have full power and authority to appoint a Commissioner to carry said sale into effect,

And appoint a Commissioner.

1838.

and cause the legal title to be conveyed to the purchaser, and to make all such other and further orders and decrees as may be necessary, and as are consistent with the rules and principles of chancery proceedings.

Sec. 3. That this act shall not be construed to divest any right of dower to which the widow of said Beaumont may be entitled, in his real estate, but only to authorize a sale of the interest of the heirs, whether in possession or remainder.

Approved January 17, 1838.

CHAP. 588—AN ACT for the benefit of James Steers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Steers, be and he is hereby restored to all the rights and privileges of an unmarried man, provided that said Steers shall return to Lucy, his wife, all the property or money he may have received by her at the time of their intermarriage.

Approved January 17, 1838.

CHAP. 589—AN ACT to amend the law concerning Free Negroes and Mulattos.

May summon
a jury.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the court before which any free negro or mulatto may be brought, pursuant to the provisions of the act, entitled, an act to prevent the future migration of free negroes and mullattos to this State, shall cause a jury to be empannelled to try whether such negro has violated the provisions of said act.

Police court
of Louisville
shall have same
power of coun-
ty courts.

Sec. 2. That the Police Court of the city of Louisville shall have the same power to hear and determine cases arising under said act, within the bounds of said city, as is conferred by said act upon the County Courts; and that any recognizances taken within said city, under the provisions of said act, may be made returnable to said Police Court.

Powers of
justice of peace

Sec. 3. That any Justice of the Peace may have the same power and jurisdiction to hear and determine cases arising under an act, entitled, an act concerning free persons of color in this Commonwealth, approved February 24, 1834, as by this act is conferred upon the Trustees of a town, or the Mayor of a city.

Approved January 17, 1838.

CHAP. 590.—AN ACT further to amend an act, entitled, an act to incorporate the Trustees of Augusta College, approved December 7, 1822.

1838.

WHEREAS, it appears by the before mentioned act, that the said College was established by the Ohio and Kentucky Annual Conferences of the Methodist Episcopal Church, for the support and proper management of which, the said Conferences stand pledged: and, whereas, there is no provision in said acts, or the acts amendatory thereto, empowering said Conferences to elect or appoint either the Trustees or any of the officers of said institution, whereby the said institution, though patronized and supported by said Conferences, may, by possibility, be thrown into the management and hands of strangers—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, whenever the office, or offices, of any Trustee, or Trustees, shall become vacant for any cause, whatsoever, the said Conferences are hereby authorized, in any manner they may deem proper, to supply all such vacancy, or vacancies, at their annual conference meetings next after such vacancy, or vacancies, shall occur; and that it shall be the duty of the Board, through their Secretary, or otherwise, to give timely notice of such vacancy, or vacancies, as they occur.

Kentucky & Ohio conferences may fill vacancies.

SEC. 2. That if the Conferences, aforesaid, shall fail to fill any vacancy, or vacancies, in the Board, at their next meeting after such vacancy, or vacancies, may occur, that then the Trustees shall have the power to fill such vacancy, or vacancies—the appointments by the Board, in all such cases, to be as valid and permanent as if made by the Conferences aforesaid.

On failure to fill, the Trustees may do it.

SEC. 3. That in order that said annual Conferences may participate equally in the election of Trustees to fill vacancies, they shall elect, alternatively, commencing with the Ohio Conference, and thus they shall fill all vacancies that may hereafter occur in said Board of Trustees.

Conferences shall fill alternately.

SEC. 4. That the said Conferences may appoint, as visiting committees, any number of visitors not exceeding five for each Conference, who may, when they see proper, attend any meeting of the Board of Trustees, and together with them, shall have power to appoint all the officers of the institution—Trustees excepted.

May appoint visitors.

SEC. 5. That the Board of Trustees and visiting committees, or as many of them as may attend the meeting of said Board, shall have the power to remove from office, for palpable immorality, or misbehaviour in office, any officer of the institution, by a vote of two thirds of the whole of the said Board of Trustees and visiting committees, assigning the cause of such removal from office on the journal of the Board of Trustees.

Trustees and visiting committee may remove from office.

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SEC. 6. That in case the said institution should forfeit its charter, or for the space of two years cease operations, the Bracken Academy fund of ten thousand dollars, or so much thereof as shall have been paid over to the Augusta College, shall be restored to said Bracken Academy: and for the better securing the said fund, it is hereby declared, in either event, the claim of said Academy shall be satisfied previous to all other claims, and this article shall operate as a lien to that effect upon the property of said College.

Approved January 17, 1838.

CHAP. 591—AN ACT allowing one additional Justice of the Peace and Constable to Casey County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that there is a large portion of the citizens of Casey County, on Casey's creek, in the neighborhood of Jacob Sindusky, having no Justice of the Peace, and are in want of the same—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be allowed one additional Justice of the Peace to the County of Casey.

SEC. 2. That there shall be allowed one additional Constable to the County of Casey, who shall reside on Casey's creek, in the neighborhood of Jacob Sindusky.

Approved January 17, 1838.

CHAP. 592—AN ACT for the benefit of John Black and Pamela Black.

Be it enacted by the Geueal Aseembly of the Commonwealth of Kentucky, That the marriage contract between John Black and his wife Pamela Black, be and the same is hereby forever dissolved; and both persons are hereby restored to all the rights and privileges of unmarried persons: and that said Pamela be restored to her maiden name, Pamela Trice.

Approved January 17, 1838.

CHAP. 593—AN ACT for the benefit of the Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor shall receive the delinquent list of the Sheriff of Wayne County, and is directed to issue his warrant on the Treasury for the payment of the amount of said list, and the Treasurer shall pay the same to the holder of said warrant, out of any money in his hands not otherwise appropriated.

Approved January 17, 1838.

CHAP. 594—AN ACT to appropriate the fines and forfeitures of Clinton County, to lessening the County Levy.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures in the County of Clinton, shall, hereafter, be paid over to the County Court of Clinton, or to their order, and be applied by said court to the lessening of the County levy of said County.

Approved January 17, 1838.

CHAP. 595—AN ACT for the benefit of the Sheriff of Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Washington County shall be allowed until the first day of March, eighteen hundred and thirty eight, to settle with the Auditor of Public Accounts, for his delinquent list of jury fees for the year eighteen hundred and thirty seven, and to pay over to the Treasurer the jury fees for said county, collectable in said year.

Approved January 17, 1838.

CHAP. 596—AN ACT for the benefit of late Sheriff of Allen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the late Sheriff of Allen County be allowed until the first day of May, 1838, to settle with the Auditor of Public Accounts, and to pay over the sum of two hundred and seventy nine dollars, part of the revenue collectable in the County of Allen for the year 1837, provided, that the securities of said Sheriff shall, on or before the first day of February, 1838, file with the Auditor their written consent to the indulgence granted by this act.

Approved January 17, 1838.

CHAP. 597—AN ACT for the benefit of William F. Scantland, Surveyor of Marion County.

WHEREAS, it is represented to the General Assembly, that William F. Scantland, the Surveyor of Marion County, has failed to renew his official bond as required by law—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Surveyor be permitted to execute an official bond in the County Court of said county, with two or more sufficient securities, to be approved of by said Court, with the like penalty and condition as is now required by law, which bond shall be made payable to the Commonwealth of Kentucky, and may be extended at the February or March

1838. term, in the year eighteen hundred and thirty eight, of the County Court of said county, and shall be as valid, to all intents and purposes, as if the same had been executed at the time, and in the manner heretofore required by law.

Approved January 17, 1838.

CHAP. 598—AN ACT to establish an Election Precinct at the house of John Carter, to be called the Symponia Precinct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act establishing an election precinct at the house of Joshua Boaz, in the County of Graves, be and the same is hereby repealed.

SEC. 2. That all that part of Graves County, known and called Symponia, shall compose an election precinct, to be called the Symponia precinct—the elections therein to be held at the house of John Carter: *Provided, however,* that nothing in this act contained shall prevent the qualified voters, residing in said precinct, from voting at the Court House of the county, or at the precincts where they are now allowed to vote by law, if they shall choose to do so.

Approved January 17, 1838.

CHAP. 599—AN ACT to establish an Election Precinct in Gallatin County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct be, and the same is hereby established at the house of G. W. Sanders, in Gallatin County.

SEC. 2. That the County Court of Gallatin County is hereby authorized to appoint Judges and a Clerk to superintend all elections held at said precinct.

Approved January 17, 1838.

CHAP. 600—AN ACT to change the place of voting in the Crittenden Precinct, in Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Crittenden precinct, in the county of Grant, shall be changed from the house of William Sechrest, jr. to that of William S. Ransom, in said town.

Approved January 17, 1838.

CHAP. 601—AN ACT for the relief of the Sheriffs of Campbell and Washington Counties.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Campbell county shall have until the fifteenth of February next, to pay the sum of eight hundred dollars into the Treasury, the revenue of said county for the year 1837, upon the securities of said Sheriff agreeing, in the county court, in the county of Campbell, on or before their next March term, to the indulgence given by this act, which consent shall be noted of record by the Clerk of said court, and certified to the Auditor of Public Accounts.

Further time given the Sheriff of Campbell to pay part of revenue.

SEC. 2. That in case the said Sheriff, or any one for him, shall fail to pay into the Treasury the sum aforesaid, on or before said fifteenth day of February next, then, and in that case, the Auditor of Public Accounts shall move against said Sheriff and his securities, or either or any of them, in the General Court, at its ensuing term thereafter, on the third day thereof, without giving notice to all or any of them.

If he fails to pay, the Auditor to move against him.

SEC. 3. *Be it further enacted*, That the Sheriff of Washington be allowed the further time of twelve months, from the passage of this law, to account with the Auditor for the Auditor's additional list of taxable property in said county, for the year 1837.

Further time given the Sheriff of Washington.

Approved January 18, 1838.

CHAP. 602—AN ACT for the benefit of C. C. Russell and John W. Lawton.

WHEREAS, it appears to the present General Assembly, that C. C. Russell and John W. Lawton have heretofore entered, in the land office at Waidesboro', one section of land (being section two, in township six, range two, east,) containing six hundred and forty acres, for which the regular State price was paid; and, whereas, it also appears, that where said section should have been properly located, instead of their being a section of land, there was only three hundred and nine acres, making a deficit of three hundred and thirty one acres—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Russell and Lawton shall be authorized to enter so much land, as may be vacant and unentered, any where in the land district west of the Tennessee river, as will make up three hundred and thirty one acres, the deficit aforesaid: and the Receiver of public moneys in the district aforesaid, shall permit the said Russell and Lawton to enter the same in his office without paying the State price therefor.

Approved January 20, 1838.

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CHAP. 603—AN ACT to establish an election Precinct at the house of Charlton B. Davidson, to be known and styled the Exchange Precinct, in the county of McCracken.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct shall be and the same is hereby established in the county of McCracken, which shall be held at the house of Charlton B. Davidson, and to be known and styled the Exchange Precinct; and the same rules and regulations shall be observed at all elections hereafter to be held at said precinct, as are prescribed by the laws and usages of this Commonwealth on the subject of elections.

Approved January 20, 1838.

CHAP. 604—AN ACT allowing an additional Justice of the Peace and Constable for Calloway County, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that the town of Callaway, and its vicinity, in the county of Calloway, is destitute of a Justice of the Peace and Constable, by reason of which the citizens of said county, residing in said district, are put to great trouble and inconvenience—for remedy whereof,

Justice of the
Peace & Con-
stable to Cal-
loway county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the Peace and Constable shall be commissioned and appointed for the said county of Calloway.

Election pre-
cinct in Callo-
way county.

SEC. 2. That an election precinct shall be and the same is hereby established in the county of Calloway, which shall be holden in the town of Callaway, at the house of Isaac Wills.

Election pre-
cinct in Ohio
county.

SEC. 3. That an election precinct be established in the lower end of Ohio county, near the mouth of Rough creek, and the place of voting therein shall be at the house of Henry Taylor; and the elections in said precinct shall be under the directions and provisions of the general law of this Commonwealth upon the subject of elections.

Approved January 20, 1838.

CHAP. 605—AN ACT allowing additional Constables to the Counties of Mason and Bath, and an additional Justice of the Peace to Morgan County.

WHEREAS, it has been represented to this General Assembly, that there is no Constable in the town of Dover, in the county of Mason, or in the vicinity thereof, by reason of which great inconvenience is experienced, and the ends of justice frequently defeated—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Mason

county shall be and is hereby authorized and directed, at the May term of said court, to lay off an additional district for said county, including the town of Dover, in such form as may appear to them convenient, and to appoint an additional Constable for the same, provided, that in case a majority of said Justices shall not be present at the May term, then, and in that case, the said district shall be laid off, and the said Constable appointed, at the first succeeding term at which a majority of said Justices shall be present.

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Constable to
Mason county.

SEC. 2. *Be it further enacted*, That the county of Bath shall and is hereby allowed an additional Constable, who is to reside in the town of Sharpsburg.

Constable to
Bath county.

And, whereas, it is represented to the present General Assembly, that the citizens of West Liberty, in the county of Morgan, are in want of a Justice of the Peace—for remedy whereof,

SEC. 3. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be and is hereby allowed to the county of Morgan.

Justice of the
Peace to Mor-
gan county.

Approved January 20, 1838.

CHAP. 606—AN ACT concerning the laying and collecting the County levy for the year 1838, in Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the Justices of the Peace for the county of Bracken, or a majority of them, shall be and they are hereby authorized and empowered, at their courts respectively to be held in the months of January or February next, (or as soon thereafter as may be,) to proceed to make up, in their minutes as heretofore prescribed by law, all claims against the county for the year 1838, and lay a levy, or assess on each tytheable, in their county, a sum to be paid by such tytheable in their county rate for said year.

SEC. 2. That the Sheriff of Bracken county shall proceed to collect the same, agreeably to the present law, and account for the same as is now provided by law, on or before the first day of December next. Nothing in this act shall be construed so as to interfere with the provisions of the present law, except for laying and collecting the county levy in Bracken county for the year 1838.

Approved January 20, 1838.

CHAP. 607—AN ACT allowing an additional Justice of the Peace and Constable to Garrard County.

WHEREAS, the people of the town of Bryantsville, in the county of Garrard, have petitioned this General Assembly for

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the appointment of a Justice of the Peace and Constable to reside in said town—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace and Constable be allowed to the county of Garrard, to be appointed in the mode prescribed by law.

Approved January 20, 1838.

CHAP. 608—AN ACT for the relief of the Sheriff of Caldwell County.

Allowed further time to pay balance of revenue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Caldwell county shall have until the first day of May next, to pay into the Treasury the revenue of said county for the year 1837, upon the securities of said Sheriff agreeing, in the County Court in the county of Caldwell, on or before their next March term, to the indulgence given by this act, which consent shall be noted of record by the Clerk of said court, and certified to the Auditor of Public Accounts.

Upon failure shall be motioned.

SEC. 2. That in case the said Sheriff, or any one for him, shall fail to pay into the Treasury the amount of revenue aforesaid, on or before the first day of May next, then, and in that case, the Auditor of Public Accounts shall move against said Sheriff, and his securities, or either or any of them, in the General Court, at its ensuing term, on the third day thereof, without giving notice to all or any of them.

Approved January 20, 1838.

CHAP. 609—AN ACT for the benefit of William P. Ball, late Sheriff of Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of twelve months be and is hereby allowed to William P. Ball, late Sheriff of Lewis county, and, also, as deputy Sheriff of Thompson N. Stratton, late Sheriff of Lewis county, to collect his fees, and such taxes as may have been paid by him for other persons.

Approved January 20, 1838.

CHAP. 610—AN ACT extending the limits of the town of Munfordsville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of

this act, the town limits of Munfordsville, in Hart county, Kentucky, be and the same is hereby extended as follows, that is to say—the west line shall be extended from the southwest corner of said town to the mouth of Munford's spring branch, where it empties into Green river, and the east line shall be extended in a straight line from the southeast corner of said town to Green river; thereby making Green river the southern boundary of said town; and that in such extension, the general law in relation to towns, and respecting private rights, shall be observed: *Provided*, That the proprietors of the land, so included, shall first consent thereto, in writing, to be recorded in the records of the Trustees and the County Court of Hart.

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Boundary.

SEC. 2. That it shall be optional, with the Trustees of said town, whether or not they will keep open the streets and alleys, after such extension of the town limits, in the portion of said town as extended; and in no case, where there are objections on the part of the owners of adjacent property, shall be kept open, unless it be deemed of great public convenience.

Trustees not bound to keep open the streets therein.

Approved January 20, 1838.

CHAP. 611—AN ACT allowing Whitley and Madison Counties additional Justices of the Peace.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Whitley shall be entitled to an additional Justice of the Peace.

WHEREAS, Henry Goodloe, a Justice of the Peace for Madison county, has resigned his office, and a Justice of the Peace is much wanted in the neighborhood where he lives—therefore,

SEC. 2. *Be it further enacted*, That there shall be allowed one additional Justice of the Peace in the county of Madison.

Approved January 20, 1838.

CHAP. 512—AN ACT to regulate the sale of the vacant Lands in the county of Monroe.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it may and shall be lawful for the County Court of Monroe county, a majority of all the Justices of the Peace for said county being present and consenting thereto, to sell to any person or persons who may make application therefor, any of the vacant lands in said county, for any price which they may deem advisable, so that the same shall not exceed five cents per acre.

County court may sell vacant land.

SEC. 2. That said county, as aforesaid, may permit the purchaser or purchasers of any of said land, to pay for the same in labor expended on any road in said county, which said court

May be paid for in work on roads.

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may direct, allowing for such labor such price as they may deem right; and when the same shall be performed, and the court satisfied thereof, they shall direct an order to be made upon their order book showing the fact, a copy of which, certified by the Clerk of said court to the treasury of said county, shall be received by him in lieu of the moneys for the land so sold; any law to the contrary notwithstanding.

Approved January 20, 1838.

CHAP. 613—AN ACT for the benefit of the Trustees of the Hardin Academy.

WHEREAS, it is represented to the present General Assembly, that on the 14th day of February, 1834, an act was passed authorizing the Trustees of the Hardin Academy to sell lot No. 31 in Elizabethtown, which act was intended to authorize them to sell certain parts of the lot on which the Seminary was built, when in fact the lot No. 31 did not belong to the Trustees, and the Trustees acting under the said recited act, have sold several portions of the Seminary lot; and some doubt existing whether the sales, so made, are legal, in consequence of the improper description in the act above named—for remedy whereof,

Sales declared
valid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all sales made by the Trustees of the Hardin Academy, of the ground belonging to the said Trustees in Elizabethtown, be and they are hereby declared valid and legal, and all conveyances made, or to be made, under such sales, are hereby declared good and valid in law, and that the proceeds of such sales be applied as directed by the act approved February 14th, 1834.

Approved January 20, 1838.

CHAP. 614—AN ACT allowing the Sheriff of Greenup further time to return his delinquent list of Militia fines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Greenup county shall be allowed further time, until the first Monday in November 1838, to return his delinquent list of Militia fines for the seventeenth Regiment of Kentucky Militia; and the return of said list to the next Court of Assessment, in said county, for said Regiment, shall be as valid in law as if the said return had been made to the Court of Assessment for the year 1837.

Approved January 20, 1838.

CHAP. 615—AN ACT to appropriate the fines and forfeitures hereafter accruing in the Counties of Barren and Gallatin, to the lessening the County Levies in said Counties.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures that may hereafter accrue in the counties of Barren and Gallatin, be and the same are hereby appropriated to the lessening the county levy in said counties; and that all officers that may hereafter collect any such fines and forfeitures, under the laws of this Commonwealth, are hereby directed to pay the same over to the order of the County Courts of said counties; and that said courts appropriate the same to the reduction of the levies of said counties, all laws to the contrary notwithstanding: *Provided, however,* That the provisions of this act shall not extend to any of the fines and forfeitures which may have accrued in said counties, on which suit may have been instituted, or which may be in the hands of officers of said counties for collection, prior to the passage of this act.

Approved January 20, 1838.

CHAP. 616—AN ACT to amend an act authorizing the County Court of Scott to levy tax on real estate in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act for the benefit of the Board of Internal Improvement for Scott county, approved February fourteenth, eighteen hundred and thirty seven, as authorized the County Court to levy an *ad valorem* tax upon the real estate in said county, be only enforced so long as the present subscriptions of the County Court remain unliquidated; and that said court shall not have power, thereafter, to tax the real estate for purposes of Internal Improvement in said county.

Approved January 20, 1838.

CHAP. 617—AN ACT for the benefit of the Sheriff of Montgomery County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Montgomery county shall be allowed, until the next annual court for the assessment of fines for the thirty first and thirty fourth Regiments Kentucky Militia, to return to said Court his delinquent list or lists for the year 1837.

SEC. 2. That the said Sheriff of Montgomery county shall be allowed until the 15th day of May next to return, to the Auditor of Public Accounts, his delinquent list or lists for the year 1837; and the Auditor is hereby directed to draw his

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warrant on the public Treasurer for the amount of said Sheriff's list, so certified by the County Court of Montgomery.

Approved January 20, 1838.

CHAP. 618—AN ACT for the benefit of the Sheriffs of Anderson and Franklin Counties.

Sheriff of Anderson allowed further time to return delinquent list.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Anderson county be and he is hereby allowed, until the first day of May next, to make out and return his delinquent list of Militia fines, placed in his hands for collection by the officers of the ninety second Regiment of Kentucky Militia, for the year 1836, collectable in 1837; and the proper officers of said Regiment are hereby authorized and required to receive said delinquent list, when presented, and to act upon the same as though it had been presented on the day required by law.

Sheriff of Franklin allowed further time to forfeit lands.

SEC. 2. That the Sheriff of Franklin county be and he is hereby allowed, until the first day of June next, to advertise and forfeit to the Commonwealth, the lands listed with him by the Auditor of Public Accounts for the taxes due thereon for the years 1834 and 1835, which shall remain due and unpaid upon the day of forfeiture; and the Auditor of Public Accounts is hereby directed, upon the return of the list, by said Sheriff, of the lands so forfeited, to issue his warrant on the treasury for the amount that may be found due from said Sheriff, provided he shall have paid the same into the treasury before the return of the list forfeited.

Approved January 20, 1838.

CHAP. 619—AN ACT for the benefit of the Sheriff of Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be and he is hereby authorized and required, to issue his warrant in favor of William O. Blackeby, on the Treasurer, for the amount of his delinquent list for the year 1837.

Approved January 20, 1838.

CHAP. 620—AN ACT to allow additional Justices of the Peace to the Counties of Hardin and Owen.

Justice of the Peace to Hardin.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Hardin shall be entitled to one additional Justice of the Peace, and that the act concerning the number of the Justices of the Peace for the county of Hardin, approved February 9th, 1836, be and the same is hereby repealed.

SEC. 2. That upon conditions the County Court of Owen will nominate, for appointment, some qualified person residing in the neighborhood of the Poplar Grove meeting house, to fill the office of Justice of the Peace for said county, then, and in that case alone, is there hereby allowed an additional Justice of the Peace for said county.

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Owen.

Approved January 20, 1838.

CHAP. 631—AN ACT to add an additional Justice of the Peace to Cumberland County, and a Justice and Constable to Oldham County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that great inconvenience is experienced by the citizens of that part of Cumberland county residing in the Sulphur creek neighbourhood, on account of their remoteness from a Justice of the Peace—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the Peace be allowed to Cumberland County.

SEC. 2. *Be it further enacted,* That one additional Justice of the Peace and Constable be allowed to the County of Oldham, the Constable to reside in or near the town of Ballardsville.

Approved January 20, 1838.

CHAP. 632—AN ACT for the benefit of Elisha I. Winter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund shall be and they are hereby authorized to liquidate and settle the account of Elisha I. Winter, for services rendered to the State by the sale of State Bonds, upon such terms as may be suitable and just, regard being had to the usual charges for similar services; and that the balance, if any thing should appear to be due to said Winter, be paid out of the Sinking Fund, to which fund the premium obtained by the sale of said bonds was applied.

Approved January 20, 1838.

CHAP. 633—AN ACT to change the name of John Hitchcock, of Livingston County.

WHEREAS, it is represented to the General Assembly that John Hitchcock, of the County of Livingston, is desirous of having his name changed from that of "Hitchcock" to that of Henderson—therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Hitchcock, of the County of Livingston, shall, hereafter, be known and called by the name of John Henderson.

Approved January 20, 1838.

CHAP. 624—AN ACT to incorporate the Bowlinggreen Library Company.

WHEREAS, some of the citizens of Warren county have, by subscription of shares of stock of five dollars each, constituted themselves a company, called "the Bowlinggreen Library Company;" have elected officers, purchased valuable books, &c., and desire an act of incorporation for the effectuation of their laudable purposes—therefore,

Stockholders incorporated. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the stockholders of said company shall, at such time as they have appointed, and on the same day annually, thereafter, meet at such place as the managers shall appoint, and elect, from their number, a Chairman and four Trustees, or managers, a Secretary, Librarian, and Treasurer, who shall hold their office one year, or until their successors shall be appointed; and said Chairman and Trustees shall be a body corporate, and, by the name and style of the Chairman and Trustees of the Bowlinggreen Library Company, may sue and be sued, plead and be impleaded, in any and all the courts of law and equity of this Commonwealth; and may have a common seal. That said Chairman and Trustees shall have power to pass all necessary by laws and ordinances for the government, well being and advancement of said Library, not inconsistent with the constitution of the United States, or of this State, or the laws thereof, nor of the articles of confederation of said company: they shall have authority to levy a contribution upon said stockholders, not to exceed one dollar upon each share in any one year, for the purpose of increasing the stock of books, or other literary appendages, of said Library; they shall have power to receive a conveyance, by donation or purchase, of a lot of ground within or near said town, for the erection of a Library room, and contract for the building of the same; and may sell and convey the same, and purchase another, from time to time, as they may think proper; and receive by donation, or contribution, funds to defray the expenses of so purchasing and building or renting a room for their use; they shall, also, have power to purchase or receive donations of books, or other personal estate, for said Library; they shall have power to prescribe the mode of letting out said books to the several stockholders, and the length of time that any stockholder shall have the use thereof, and to affix penalties on any stockholder for failing to return any book to said Library, according to the terms prescribed of.

Officers.

Powers and duties of the managers.

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for the abuse thereof; they shall prescribe the several duties by which the Librarian and Treasurer, and other officers, shall be governed and directed; they shall have power to appoint a collecting officer to collect the contributions and penalties they may levy or inflict, by distress, or otherwise; and they may take from said collector bond, and security, in such penalty as they may fix, payable to themselves, conditioned for the true and faithful collections of all such contributions or fines as shall be placed in his hands for collection, and pay the same over to them, or such person as they shall direct; and for a breach of the condition of said bond, they shall have power to move against such delinquent collector, and his securities, either by suit upon said bond, or motion in the Warren Circuit Court, or any court of competent jurisdiction; and said court shall enter judgment against him, or them, for the amount of any delinquency, together with twenty per cent thereon, and have execution therefor; and said execution shall be endorsed by the Clerk of said court, or the Justice, that no security shall be taken: *Provided, however,* That nothing herein shall prevent said Chairman and Trustees from recovering any contribution or fine aforesaid, by warrant, before a Justice of the Peace. The Chairman of said Board shall call a meeting of said Board, at such time as he shall think proper; a majority of said Trustees, or two of them and the Chairman, shall be necessary to transact business. They may appoint such subordinate officers as may be necessary; prescribe their several duties, and fix the pay and compensation of any or all the officers. They may receive additional subscriptions of shares; may prescribe the mode of transferring the same; and said shares may be sold, transferred, pass by will, gift, or descent, as other personal estate does by the laws of this State.

SEC. 2. That said Chairman and Trustees shall have power to forfeit, for the use of the Company, any share or shares when the owner thereof shall be delinquent to the amount of five dollars for any one share, or when his fines and annual contributions shall amount to that sum.

Shares may
be forfeited.

Approved January 27, 1838.

CHAP. 625.—AN ACT to authorize the transcribing of certain entries and surveys by the Surveyor of Green County.

WHEREAS, it is represented to the present General Assembly that many of the records of entries and surveys, in the Surveyor's office of Green county, are in a mutilated condition, and without alphabets, so that they are almost useless to the community—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Surveyor of Green county, to copy such of said books as the

County court
to designate the
books to be copied.

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Green County Court may be of opinion requires it, and make out alphabets to the several books in his office which are without them.

To be copied
in bound books
and copies to be
examined.

SEC. 2. The Surveyor shall procure well bound books, and copy the books that may be designated by the court, as soon as practicable; and after he shall have discharged said duty, he shall make a report thereof to said court, whose duty it shall be to appoint Commissioners, who, in conjunction with said Surveyor, shall compare said copies with the original records, and when so examined, and their correctness ascertained, they shall make out a certificate of the same and deposit it in the Surveyor's office.

Pay to Clerk
and Commis-
sioner.

SEC. 3. The Surveyor shall be allowed for the books furnished, and the same compensation as was allowed to the Surveyor of Fayette county, for copying certain records in his office, according to an act, approved January 11th, 1825; and the said Commissioner, for examining, the sum of two dollars per day; and said court shall, after the completion of the work, proceed to levy upon the county of Green a sum sufficient to pay therefor, as also said Commissioners; or it may pay the same out of any money of said county not otherwise appropriated.

The copies to
have the same
credit, &c. as
the originals.

SEC. 4. The copies made out, as aforesaid, shall have the same force, credit and validity as the said originals had; and any copy or copies therefrom, duly attested according to the ordinary forms of law, by the Surveyor, shall have the same force, credit and validity, which any copy or copies of records now have.

Approved January 27, 1838.

CHAP. 626—AN ACT for the benefit of Squire Griffin.

County court
may grant a li-
cense.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the County Court of Wayne county, upon Squire Griffin's entering into bond in said court, with good security, in the penalty of five hundred dollars, conditioned for his keeping an orderly house, and that he will not sell spirituous liquors to slaves, to grant unto the said Squire Griffin a license to sell spirituous liquors in his house; which license the County Court may renew from year to year, so long as he keeps an orderly house, without his paying any tax to the Government therefor.

License may
be suspended.

SEC. 2. That any Justice of the Peace for Wayne county, upon satisfactory proof being made to him that the said Squire Griffin has forfeited any of the conditions in his bond, may, by his order, suspend his license and report the fact to the next County Court, who shall hear the charge, and the said Griffin in defence, and if they find him guilty, annul his license.

Approved January 27, 1838.

CHAP. 627—AN ACT to exempt the citizens of Harlan and Knox Counties from paying toll at the Turnpike Gates on the Crab Orchard and Madison forks of the Wilderness road.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the citizens of Harlan and Knox counties, with their property, be and they are hereby exempt from paying toll at the turnpike gates on the Crab Orchard and Madison forks of the wilderness road.

Approved January 27, 1838.

CHAP. 628—AN ACT to appropriate the fines and forfeitures accruing in the town of Hardinsburg to the improvements of the streets of the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all fines and forfeitures accruing in the town of Hardinsburg, from riots, routs, and unlawful assemblies, committed in said town, be and they are hereby appropriated to the improvement of the streets of the same; any law to the contrary notwithstanding.

Approved January 27, 1838.

CHAP. 629—AN ACT authorizing the County Court of Marion to enlarge the public square in Lebanon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Marion county, with the consent of the Trustees of Lebanon, and the lot owners affected thereby, to enlarge the public square in the town of Lebanon.

Approved January 27, 1838.

CHAP. 630—AN ACT to amend the law establishing the Police Court of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of the Police Court of Louisville shall have power and authority to issue warrants, for the apprehension of persons charged with felony, or a violation of any of the penal laws; also, for the apprehension of persons charged with being of evil fame; also, for the apprehension of persons for whom surety of the peace is claimed; also, search warrants; he shall administer the necessary oath required by law before issuing any such warrant; he shall make the warrant returnable before the Judge of the Police Court. That the Police Court of Louisville shall have exclusive jurisdiction of all pleas of the Commonwealth, arising within the city of Louisville, not amounting to felony, and

Clerk may issue warrants.

Jurisdiction of process of the court.

1838.

Power given
to open and ex-
tend streets.

the process of said court may run into any county of the Commonwealth; and all recognizances not amounting to felony, nor for the appearance of witnesses in cases of felony, shall be made returnable before the Police Court of Louisville, on the first Monday of the ensuing month after the taking of the same. That the Police Court of Louisville shall have all the power and authority to open and extend streets and alleys in the city of Louisville that is vested in the Jefferson Circuit Court, to the same extent as though the laws vesting the authority had been made applicable to the Police Court.

Approved January 27. 1838.

CHAP. 631--AN ACT to amend the several acts to suppress the practice of duelling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, in administering the oath directed by the several acts of the General Assembly, more effectually to suppress the practice of duelling, the oath shall be from the sixth day of January, one thousand eight hundred and thirty eight.

Approved January 27, 1838.

CHAP. 632--AN ACT to amend the charter of the Louisville Savings Institution.

Number of
votes to which
owners of stock
are entitled.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Louisville Savings Institution shall be so amended that, hereafter, all the stockholders in said Institution, who are the owners of stock to any amount under one hundred dollars, shall be entitled to one vote; and all stockholders from one hundred dollars to two thousand dollars shall be entitled to one vote for each one hundred dollars; and for every five hundred dollars over and above two thousand dollars one vote: Provided, That no one person shall, directly or indirectly, vote more than forty votes in any election of officers or meetings of the stockholders.*

Husbands,
guardians, and
trustees, to vote.

SEC. 2. *That husbands, guardians, and trustees, shall have power and authority to vote on the stock of their wives, wards, or estates in trust, and the inspectors of elections shall be authorized, and shall administer to each stockholder an oath that he is the bona fide owner of the stock on which he claims to vote in his own right, or that he is the husband, guardian, or trustee, of the person on which stock he claims to vote as husband, guardian, or trustee; and no person shall vote as the proxy of any stockholder, unless there shall be an affidavit of the person making the proxy, endorsed thereon that he is the bona fide holder of the stock for which the proxy is given,*

Voters to be
sworn.

in his own right; and no person hereafter purchasing stock shall be authorized to vote, in any election, unless the same shall amount to one hundred dollars, and no person shall be permitted to vote on stock which has not been transferred to him at least three months before the election at which he claims to vote.

SEC. 3. That *feme coverts* owning stock in this Institution, shall be entitled to receive and receipt for the dividends on stock, belonging to them, or to authorize their husbands to receive the same; and parents shall not receive the dividends on stock belonging to their children, unless they are legally appointed guardians of their children.

Approved January 27, 1838.

1838.

Proxies.

Dividends,
how paid.

CHAP. 633—AN ACT for the benefit of the thirty sixth Regiment of Kentucky Militia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Court of Assessment of the thirty sixth Regiment of Kentucky Militia, held on the first Monday in November, in the year one thousand eight hundred and thirty seven, shall be and are hereby ratified and confirmed, and shall be as good and valid as though said court had been held on the third Thursday in October, now required by law; any law to the contrary notwithstanding.

Approved January 27, 1838.

CHAP. 634—AN ACT to establish two additional election Precincts in the County of Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That two election precincts be and they are hereby established in the county of Green—one in the town of Saloma, the place of voting shall be at the house of Washington Lively; and another election precinct shall be and is hereby established in said county of Green, and the place of voting shall be at the house of Moses Mann: and all elections to be held at said precincts shall be under the directions and provisions of the general laws of this Commonwealth upon the subject of elections.

Approved January 27, 1838.

CHAP. 635—AN ACT to incorporate the Lewisburg Academy.

WHEREAS, Charles T. Marshall, Isaac Lewis, David Lindsey, Abner Clift, Mansfield Calvert, Walter Calvert, John

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Marshall, Peter Harrison, and other citizens of the county of Mason, have, by voluntary subscription, built an Academy near the town of Lewisburg, in Mason county, and have the same now in successful operation: and, whereas, the said parties, and their associates, desire to be incorporated to the end that they may the better promote the literary purposes for which they have associated themselves—

Company in-
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several persons before named, together with their associates, who have heretofore subscribed, or shall hereafter subscribe, a sum equal to one or more shares, as hereinafter provided, shall be and are hereby constituted a body politic and corporate, to be known by the name of "the proprietors of the Lewisburg Academy," and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Shares.

SEC. 2. That the stock in said association shall be divided into shares of ten dollars each, and every person who has heretofore, or shall hereafter, subscribe the sum of ten dollars or upwards, shall be entitled to one share of stock in said association, for each ten dollars he shall have heretofore, or shall hereafter subscribe: provided, that the entire number of shares shall not exceed two hundred.

May hold
property.

SEC. 3. That the said corporation shall be authorized to acquire and hold to themselves, and their successors, estate, real, personal and mixed, to an amount not exceeding, at any one time, two thousand dollars in value; and may, from time to time, dispose of the same, or any part thereof; and may acquire other property in lieu thereof, and make a legal transfer of the property so disposed of.

Annual meet-
ing.

SEC. 4. That an annual meeting of said proprietors shall be held, at the Lewisburg Academy, on the first Saturday in April next, and on the first Saturday of April in every succeeding year, unless a different day shall be fixed at an annual meeting of said proprietors, at which a majority of all the shares shall be represented, in which case, the annual meeting shall be held on the day so fixed.

Election of
Trustees.

SEC. 5. That the said proprietors, at the first annual meeting, shall elect a board of Trustees for said Academy, consisting of nine members, and shall, in like manner, at each subsequent annual meeting, elect a new board of Trustees, either from among the old board or others, at their pleasure; but if, from any cause, an election of other Trustees shall not be made, then the former board are to serve until such election shall be made.

General meet-
ings, and votes
on shares.

SEC. 6. That a general meeting shall be composed of the proprietors of at least a majority of all the shares, and in voting the following rules shall be observed—the owners of shares, not exceeding four, shall be entitled to one vote for each share; and of more than four shares, one vote for each share as high as four; and one vote for each two shares above four.

SEC. 7. That "the proprietors of the Lewisburg Academy" shall be empowered, at their annual meeting, to pass all necessary by-laws for the good government of said Academy, provided that they shall not be contrary to the constitution of the United States, or the laws and constitution of the State of Kentucky.

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By-laws.

SEC. 8. That the Trustees of said Academy shall, at their first meeting after their said election, choose a Chairman to preside over their deliberations; and if he shall be absent at any meeting, a Chairman *pro tem* shall be appointed. Five members of the board shall constitute a quorum to do business. They shall hold meetings, from time to time, according to adjournment, and at such stated times as shall be prescribed by the by-laws. They shall have power to select Teachers, and make contracts with them as to their compensation and price of tuition, and make all necessary rules for the good government of the Academy; and, in general, to do all other things in relation thereto, not inconsistent with the by-laws for the government of said Academy; and may fill all vacancies that may occur before the next election of Trustees; and the Chairman may, at any time, call a meeting of the Trustees for the transaction of special business.

Trustees to choose a chairman.

Powers and duties of the Board.

SEC. 9. The said proprietors may sue and be sued, in their corporate name; and in all suits against the said corporation, service upon the Chairman of the board of Trustees, or if there be no Chairman, or he be absent from the county, then service upon any two members of the board shall be sufficient to enable the court having jurisdiction of the matter, to proceed to a trial of the case.

May sue and be sued.

SEC. 10. There shall be a record kept of the proceedings had at the annual meetings, and of the by-laws adopted at such meetings. The board of Trustees shall, also, keep a record of their proceedings, and shall appoint a Secretary and Treasurer if they deem it necessary. The Chairman of the board of Trustees shall issue certificates of stock, signed by himself, as Chairman, to all persons who shall have become entitled to a share or shares in said corporation.

Record to be kept.

Certificates of stock.

Approved January 27, 1838.

CHAP. 636—AN ACT allowing James M. Layman a change of venue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, upon the calling of the prosecution now pending in the Butler Circuit Court against James M. Layman, at the next term of said court, upon a charge of robbing the mail, it shall be lawful for said Layman to elect to be tried in the county of Edmonson, upon said charge; and upon his making his election to be there tried, the Judge of the Butler Circuit Court shall cause the election and consent,

May elect to be tried in the county of Edmonson.

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May give bail.

Papers to be
transmitted to
Edmonson.

so made, to be entered on the record of said court: and, thereupon, said court shall have power to take from said Layman a recognizance, with good security, for his appearance at their next term of the Edmonson Circuit Court, which recognizance, together with all other papers connected with said prosecution, shall be, forthwith, transmitted to the Clerk of the Edmonson Circuit Court: and, in case the said Layman should fail to give bail for his appearance at the next term of the Edmonson Circuit Court, then the Judge of the Butler Circuit Court shall cause the said Layman to be transferred to the jail of Edmonson county.

Edmonson
circuit court to
have jurisdic-
tion.

SEC. 2. That so soon as the papers connected with said prosecution, together with a copy of the order of the court in relation to the consent and choice of said Layman to be tried in Edmonson county, shall be filed with the Clerk of the Circuit Court of said county, then the Circuit Court of said county shall have full power, jurisdiction and authority, to try said offence as fully as if the same had been committed in said county; and shall have jurisdiction and power to cause an indictment to be preferred against said Layman, and to issue process for the attendance of witnesses, and to compel their attendance, and to do all other acts in relation thereto, so as to secure a fair trial upon the merits, as are consistent with the rules and principles of criminal proceedings.

Approved January 27, 1838.

CHAP. 637—AN ACT to amend the act to provide for the improvement of the road from Franklin County to Crab Orchard, in Lincoln County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county, approved February 22, 1834, be and the same is hereby so amended as to authorize the Board of Internal Improvement for Lincoln county, to erect a toll gate across the road constructed in said county, under the provisions of the above recited act, on the west side of Logan's creek, provided said gate is not erected nearer the town of Stanford than one mile from the court house in said town.

Approved January 27, 1838.

CHAP. 638—AN ACT to repeal the present Road Law in Greenup County, and to revive all other Road Laws.

Certain acts
repealed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, entitled, an act to amend the law in relation to the opening and repairing the public

roads in said counties, approved January 29, 1830, and all acts amendatory thereof, so far as the said act of January 29th 1830, and the amendments thereof, are in force in the county of Greenup, shall be and the same are hereby repealed.

SEC. 2. That the act, entitled, an act concerning public roads, approved February 25th, 1797, and all subsequent acts and road laws now in force in the State of Kentucky, (except the said act of January 29th, 1830, and acts amending the same,) shall be and the same are hereby revived in the said county of Greenup, and shall, hereafter, have the same effect in said county that they have elsewhere in this Commonwealth; and it shall be the duty of the proper authorities, in said county of Greenup, to cause the public roads in said county to be opened, worked, and kept in repair, under the laws hereby revived, in like manner as the same would have been done if the act of January 29th, 1830, had never been enacted, or accepted by the County Court of said county.

Certain acts revived.

SEC. 3. That all fines and forfeitures heretofore appropriated in aid of the public roads in said county, shall be collected, as heretofore, by the Sheriff, deputy Sheriffs, and other officers, and be by them paid over to the County Court of said county, or to the Clerk in open court: and, whenever money is paid over as aforesaid, it shall be the duty of the officer paying over the same, to deliver to the court, or Clerk, a list of the fines and forfeitures paid over, together with the names of the persons from whom the same were collected.

Fines and forfeitures to be paid to Clerk.

Approved January 27, 1838.

CHAP. 639—AN ACT to add the County of Lincoln to the ninth Judicial District in this Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Lincoln be and the same is hereby added to the ninth Judicial District in this Commonwealth, any law to the contrary notwithstanding.

SEC. 2. That the Circuit Court of Marion county shall, hereafter, continue twelve juridical days if the business of said court requires it.

Approved January 27, 1838.

CHAP. 640—AN ACT to change the names of John C. Bucklin, of the City of Louisville, and Chesterfield Dougherty, of Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of John C. Bucklin, of the city of Louisville, be and the same is hereby changed to John Bucklin, by which name he shall henceforth be known and called.

SEC. 2. That the name of Chesterfield Dougherty, of Ohio county, be changed to that of Chesterfield Cole.

Approved January 27, 1838.

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CHAP. 641—AN ACT allowing Theophilus Cooksey a change of venue.

May elect to
be tried in
Caldwell coun-
ty.

Election to be
entered of re-
cord.

Duty of clerk
of McCracken
circuit court.

Power of
Caldwell cir-
cuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the calling of the indictment now pending in the McCracken Circuit Court, against Theophilus Cooksey, for the murder of Pierce Jones, at the next term of said court, the said Cooksey shall have the right to elect to be tried upon said indictment in the county of Caldwell; and upon his making his election to be there tried, it shall be the duty of the court to cause the consent and election of said Cooksey to be entered on the records of said court: and the Judge of the McCracken Circuit Court shall have power to take, from said Cooksey, a bond or recognizance for his appearance at the next term, thereafter, of the Caldwell Circuit Court.

SEC. 2. That it shall be the duty of the Clerk of the McCracken Circuit Court, to transmit to the Clerk of the Caldwell Circuit Court, the indictment, recognizance, and all other papers connected with said prosecution; and it shall be the duty of the witnesses to attend the Caldwell Circuit Court.

SEC. 3. That in case the said Cooksey shall elect to be tried in the Caldwell Circuit Court, and so soon as the papers are transmitted to the Clerk of said court, together with a copy of the order in relation to the consent and election aforesaid, then the Caldwell Circuit Court shall have full and ample power to take jurisdiction of the offence, and to take all necessary steps for the trial of the same, as fully as though the offence had been committed in said county of Caldwell; and shall have power to compel the attendance of witnesses as fully as if it had entertained original jurisdiction of the offence.

Approved January 27, 1838.

CHAP. 642—AN ACT to allow three additional Terms to the County Court of Montgomery County.

WHEREAS, it is represented to this General Assembly, that the citizens of Montgomery county suffer much inconvenience in consequence of there being held, in said county, only nine courts annually—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, it shall be lawful for County Court to be held in said county on the last Mondays in February, May, and August, of each year.

Approved January 27, 1838.

CHAP. 643—AN ACT for the benefit of William Doolin's wife and children.

WHEREAS, it has been represented to the General Assembly of the Commonwealth of Kentucky, that William Doolin, a

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free man of color, purchased, in his lifetime, his wife Rose Doolin, a woman of color, and his two children, Mary Doolin and Thomas Doolin, with the intention that they should be free, but died suddenly by the disease of cholera, without having carried his intention into effect; and it has been, also, represented that said Doolin died seized and possessed of some property, real and personal, and without any heirs capable of inheriting, and no children except the above mentioned, and left no debts which remain unpaid; and, therefore, the General Assembly is prayed to liberate said wife and children, and make them capable of taking, by descent and distribution, subject to the rights of creditors, to which it has been represented the administrator of said Doolin is willing—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Rose Doolin, Mary Doolin, and Robert Doolin, be and they are hereby declared free, and made capable of taking, by descent and distribution and dower, from said William Doolin, in the same manner as if they had been free, and said Rose lawfully married to said William, and said children born in lawful wedlock: *Provided, however,* This act shall not affect the claims of any creditor of said William, nor of any person who may hereafter appear as his lawful heir, if any such there be.

Are declared free, & to hold property.

Proviso

Approved January 27, 1839.

CHAP. 644—AN ACT to establish a State Road from Perryville, in Mercer County, to Bloomfield, in Nelson County, and for other purposes.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the present road leading from and to the above named points is, or a greater part thereof has been established as a county road; and that owing to the great increase of travel thereon, it is, at many seasons of the year, rendered impassable—and, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said road be and the same is hereby established a State road.

Road established.

SEC. 2. That it shall be the duty of the several County Courts, through which said road shall pass, to lay off that part of their respective counties into convenient precincts, and to appoint each precinct an overseer, and to allot to each overseer a sufficient number of hands to open and clear out said road at least thirty feet wide, and to put the same in such repair as will afford a safe and convenient passage for all kinds of carriages.

Duty of the county courts.

SEC. 3. That the said overseers, so appointed, shall be governed and controlled by the law now in force in regard to working on other roads in this Commonwealth.

SEC. 4. That the County Courts of the several counties,

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Shall not
change same.

through which said road shall pass, shall not have power to alter or change said road, without the concurrence of each County Court in regard to any change which may be proposed.

Approved January 27, 1838.

CHAP. 645—AN ACT to legalize the proceedings of the Trustees of the town of Glasgow, and for other purposes.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that at an election held for Trustees for the town of Glasgow, in January 1837, several persons were elected and qualified as Trustees for said town, who did not possess the qualifications required by the laws of this State in relation to the election of Trustees for said town, and doubts having arisen as to the validity of their acts, as such—for remedy whereof,

Proceedings
legalized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the acts of said Trustees, so far as they are consistent with the laws of this Commonwealth, shall be and the same are hereby declared to be as binding and obligatory upon the inhabitants of said town, as though said disabilities had not existed.

May sell cer-
tain streets, &
convey title.

SEC. 2. That the Trustees of said town shall have power, and they are hereby authorized, to sell and convey to the purchaser or purchasers all that part of Front and Common streets, in said town between lots No. 23 and 24, and out lot No. 1, provided the owner of lots No. 23 and 24 shall, if required by the Trustees of said town, open a pass way through said lots, from Front street to Water street, at least thirty feet wide: and the said Trustees are further authorized and empowered to sell and convey to the purchaser, all that part of a cross street in the southern addition of said town, lying between Green and Main cross streets, and adjoining the lots of Joseph Eubank, jr., if in the opinion of said Trustees no inconvenience will arise to the citizens of said town, or the public, from said sale.

Amount of
tax to be as-
sessed.

SEC. 3. That it shall not, hereafter, be lawful for the Trustees of said town to levy and collect more than twenty five cents on the hundred dollars' worth of property, that may be listed for taxation in said town, nor more than fifty cents for a poll tax, instead of the rates now allowed by law.

Certain pow-
ers repealed.

SEC. 4. That all laws authorizing the Trustees of said town, and requiring the inhabitants living within one half mile of the court house, and out of the bounds of said town, to list for taxation their property out of the bounds of said town, be and the same is hereby repealed.

Approved January 27, 1838.

CHAP. 646—AN ACT for the benefit of William Smith.

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WHEREAS, Joseph Smith, and Ann his wife, took charge of an infant boy, and have raised him to the age of thirteen years; that they have become very much attached to him, and are desirous that he should bear their name, and become their legal heir and representative, having no children of their own—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boy aforesaid shall be known and called by the name of William Smith, and he is hereby made capable of inheriting the estate of said Joseph Smith, and Ann his wife; and to all intents and purposes be their legal heir and representative after their decease.

Approved January 22, 1838.

CHAP. 647—AN ACT for the benefit of the heirs of Michael Marts.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that there was granted, by the County Court of Christian, a certificate, No. 2005, in July 1804, to William Anthony, for two hundred acres of land, which certificate was assigned by said Anthony to Isaac Clark, and by said Clark assigned, by mistake, to Michael March, when it was intended to have been assigned to Michael Marts; and the certificate having been removed, and the survey having been made pursuant to said removal; and it being further represented, that the said survey does not interfere with any other survey; but for the mistakes and difficulties herein represented, the Register cannot issue a patent—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be and he is hereby directed to issue a patent to the heirs of Michael Marts, deceased, for two hundred acres of land lying in the now county of Trigg, formerly Christian, on the Middle Fork of Oase's creek, surveyed under a certificate from the County Court of Christian to William Anthony, which patent shall pass the title to said heirs, but shall not affect the rights of other persons.

Register to
issue patent.

Approved January 27, 1838.

CHAP. 648—AN ACT to repeal an act, entitled, an act to allow the County Court of Fleming to take stock in Turnpike Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws now in force giving the County Court of Fleming the power to subscribe stock in any Turnpike Road Company, in this Commonwealth, be and the same are hereby repealed.

Approved January 27, 1838.

1838.

CHAP. 649—AN ACT to incorporate the town of Albany, in Clinton County, and Ballard'sville, in Oldham County.

May elect
Trustees, and
when.

Shall take an
oath.

Powers of the
Trustees.

Provisions to
extend to Bal-
lardsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the free white male inhabitants, residing in the town of Albany, in Clinton County, and the owners of lots in said town, shall, on the first Monday in April 1838, and on the same day in every year thereafter, meet at some convenient place within said town, and proceed to elect five Trustees, who shall hold their office for one year next after their election, or until their successors are duly appointed; and the said election shall be conducted under the direction of John Irvin, or some other Justice of the Peace for said county, who shall act as Judge therein; and said Trustees shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them by law as Trustees.

SEC. 2. That said Trustees, after their appointment, shall have power and authority to pass such ordinances and by-laws, and perform such acts as Trustees, for the government and regulation of the town of Albany, in the county aforesaid, as to them may seem necessary, provided that such acts, ordinances, and by-laws, shall not be inconsistent with the constitution and laws of this State.

SEC. 3. That the provisions of this act be applied to the town of Ballardsville, in Oldham county; and that Leonard Lyon, William Shackelford, Bernard Green, James A. Eckles, and John Fible, be and they are hereby constituted and appointed the first board of Trustees for said town of Ballardsville.

Approved January 27, 1838.

CHAP. 650—AN ACT to authorize the County Courts of Allen and Barren Counties to subscribe stock in the Glasgow and Scottsville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the County Court of Allen county, and they are hereby authorized, to subscribe stock in the Glasgow and Scottsville Turnpike Road Company, in the name of the County Court and for the use of the county, provided that the amount which they shall so subscribe, shall not exceed five thousand dollars.

SEC. 2. *Be it further enacted,* That the provisions of this act shall extend to the County Court of Barren.

Approved January 27, 1838.

CHAP. 651—AN ACT applying the fines and forfeitures of Allen County to the benefit of the County Seminary.

1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the fines and forfeitures incurred in the county of Allen, be and the same are hereby appropriated to the benefit of the Seminary in the town of Scottsville; and the Trustees of said Seminary shall have full power to receive, and collect from all Sheriffs, Constables, and other officers, all such fines and forfeitures as may be collected in said county.

Approved January 27, 1838.

CHAP. 652—AN ACT allowing further time to the 32d Regiment Kentucky Militia to hold their Court of Assessment.

WHEREAS, it is represented to the present General Assembly, that the officers of the thirty second Regiment Kentucky Militia did not, at the time required by law, in 1837, hold their Court of Assessment, whereby the fines are likely to be lost to said Regiment—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the officers of the said thirty second Regiment Kentucky Militia may meet, for the purpose of holding their Court of Assessment, at the Clerk's office in Shepherdsville, in the county of Bullitt, on the third day of March 1838, and proceed, as by law required, to assess the fines for said Regiment for the year 1837; and do such other things in relation to said Court of Assessment, as if they had met at the time required by law; and the said proceedings shall be as effectual in law as if held at the usual time appointed.

Approved January 27, 1838.

CHAP. 653—AN ACT to amend an act for the benefit of Warner Crow, late Sheriff of Davies County, approved January 13, 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Warner Crow, late Sheriff of Davies county, be allowed the further time till the next annual Court of Assessment, in the year 1838, to return his delinquent list of militia fines in said county, and that said list of delinquents, if duly returned by him by the first day of said annual court, shall be as legal, in all respects, as if returned within the time prescribed by the act to which this is an amendment.

Approved January 27, 1838.

1838.

CHAP. 654—AN ACT for the benefit of Rebecca Bromley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Rebecca Bromley, and her husband Robert Bromley, is forever dissolved, so far as respects said Rebecca, who is hereby restored to all the rights and privileges of an unmarried woman.

Approved January 27, 1838.

CHAP. 655—AN ACT for the benefit of Nancy Ann Lashbrooks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Nancy Ann Lashbrooks, and her husband John Norris Lashbrooks, is forever dissolved, so far as respects said Nancy, who is hereby restored to all the rights and privileges of an unmarried woman, and whose name shall hereafter be Nancy Ann Blincoe.

Approved January 27, 1838.

CHAP. 656—AN ACT to amend an act, entitled, an act to establish a State road from Ford's Ferry, in Livingston County, to Princeton, in Caldwell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Livingston county be and they are hereby authorized to change the location of any part of the State road leading through said county, between Ford's Ferry and Centerville, whenever it shall appear that the public interest requires such change: *Provided however,* That a majority of all the Justices of the Peace of said county shall concur in said change.

SEC. 2. That before any change or alteration shall be made in said road, that all the requisitions of the laws of this State, applicable to the changing of public highways, shall be complied with.

Approved January 27, 1838.

CHAP. 657—AN ACT to legalize the proceedings of the 62d Regiment of Kentucky Militia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the sixty second Regiment of Kentucky Militia, on the first Monday in November in the year one thousand eight hundred and thirty seven, for the purpose of assessing fines, shall be deemed and held,

in law, as valid as if said court had been held on the day fixed by law for that purpose; and that all persons fined by said Court of Assessment, shall have the privilege of appealing to the next Court of Appeals for said Regiment, as fully as if said Court of Assessment had been held on the day fixed by law.

1838.

Approved January 27, 1838.

CHAP. 658—AN ACT to amend an act, entitled, an act appropriating 6000 acres of land west of the Tennessee river for the erection of a Bridge across Pitman's creek, below Barretti's mill, in Green County, where the road crosses from Greensburg to Louisville, approved 20th February, 1835.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Justices of the Green County Court, shall have the further time of five years, from and after the passage of this act, to sell the six thousand acres of land in the district west of the Tennessee river, appropriated to them by an act, approved 20th day of February, 1835, for the purpose of building a bridge across Pitman's creek, in said county, any law to the contrary notwithstanding.

Approved January 27, 1838.

CHAP. 659—AN ACT to extend and continue in force an act, approved 29th February 1836, entitled, an act extending, for a certain period and with certain limitations, the charter of the Old Bank of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act of incorporation of the Old Bank of Kentucky, with the limitations and restrictions prescribed by the act of which this is an amendment, shall continue in force for the period of two years from the passage of this act, and no longer.

SEC. 2. That the acting Commissioner of said Bank, shall be allowed a commission of five per centum on all moneys collected and paid over by him, and in lieu of all salary or other compensation heretofore allowed to him; provided that the amount to be allowed him for his compensation shall not exceed, in any one year, the sum of nine hundred dollars.

Approved January 27, 1838.

CHAP. 660—AN ACT to amend an act, entitled, an act to establish the Town of Mount Carmel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas R. Tebbs, William Bell, Lewis L. Roberts, Dr. E. Logan, and A. B. Cooper, be and they are hereby appointed Trustees of the town of Mount Carmel,

1838.

in the county of Fleming—which town is hereby established into a town by the name aforesaid—whose duty it shall be to meet in said town, at the house of Lewis L. Roberts, and fulfil all the provisions of an act to establish the town of Mount Carmel, approved December the 21st, 1825.

Approved January 27, 1838.

CHAP. 661—AN ACT to extend the limits of the town of Paducah.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the lots, alleys, and streets, which was laid off adjoining the town of Paducah by L. M. Eiler, in the summer of 1836, under the direction of the proprietor thereof, shall be and the same are hereby added to said town, and shall constitute a part thereof.

SEC. 2. That it shall be the duty of the Trustees of the town of Paducah, to have a plan of the lots, streets, and alleys, hereby added to said town, recorded in the Clerk's office of the County Court of McCracken county; and the Trustees are hereby vested with the same powers and jurisdiction over the addition, hereby made to said town, as they exercised and possessed over the same, as heretofore established.

Approved January 27, 1838.

CHAP. 662—AN ACT for the benefit of A. Adams, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That P. L. Parker, gate keeper on the Wilderness road be authorized, and is hereby directed, to pay to Absolem Adams, late overseer of said road, one hundred and sixteen dollars thirty one cents, out of any money in his hands, allotted by the Commissioners of said road to the Madison overseer, according to the award of the Commissioners appointed by the Madison County Court to settle with said Adams.

Amount to
be paid.

SEC. 2. That the keeper of the turnpike gate, or any other person or persons having the superintendence or control of the money accruing from said turnpike gate, shall, as soon as may be, or as soon as practicable, pay into Thomas Jones, one of the overseers of said road, what money may be due him for services and other expenditures on said road, by the said Jones producing to the said turnpike gate keeper, or superintendent of the proceeds of said turnpike gate, a settlement with the County Court of Laurel county, showing the amount of money due the said Jones, out of any money that may be due, out of the funds due to the Laurel part of said road.

Amount to
be paid to
Thomas Jones.

Approved January 27, 1838.

CHAP. 663—AN ACT to add a portion of Harlan County to the County of Knox.

1838.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that portion of Harlan county, west of a straight line from the mouth of Straight creek to the Cumberland Gap, be and the same is hereby added to the county of Knox.

Part of Harlan added to Knox.

SEC. 2. That nothing in this act shall prevent the collection of the county levy, laid in 1837, upon the citizens within this boundary, nor prevent the collection of the taxes for 1838, by the officers appointed to collect the same, by the County Court of Harlan.

Officers to collect tax.

SEC. 3. That the County Courts of Knox and Harlan shall, at their next May terms, direct the Surveyors of their respective counties to run, in conjunction, said line in conformity to the provisions of this act, and report the same to their respective County Courts, and their survey shall constitute the boundary of said counties; and said Surveyors shall receive from the County Court of Knox adequate compensation for their services.

Surveyor of Knox and Harlan to run line, and report.

Approved January 27, 1838.

CHAP. 664—AN ACT to amend the act further to regulate the Willderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws authorizing the County Courts of Madison, Rockcastle, and Laurel, to appoint overseers to keep in repair the Willderness road from the foot of the Big hill in Madison county to the forks of said road at the former residence of Lott Pitman, deceased, in Laurel county, be and the same is hereby repealed.

Laws repealed.

SEC. 2. That Green Ruby, of the county of Madison, Mordecai Mullins, of the county of Rockcastle, and James McNeil, of the county of Laurel, are hereby appointed Commissioners, whose duty it shall be to appoint an overseer for said road, who shall work the same from the foot of the Big hill to the forks of said road, as now required by law, and shall receive for his services one dollar per day, when actually employed in the discharge of his duties, and no more.

Commissioners to appoint overseer, and his pay.

SEC. 3. That the Commissioners, on some day to be fixed by them in the month of April next, after having advertised, by one or more public notices in the town of Richmond, Rockcastle, and Laurel, at least ten days previous, shall dispose of the turnpike gate, on said road, for one year next thereafter, to the highest bidder, taking bond and good security to the Commonwealth of Kentucky for the price thereof, payable quarterly; provided that said gate shall not sell for a less sum than fifteen hundred dollars; and, provided further, that if said gate will not sell for the sum of fifteen hundred dollars, the com-

Commissioners may sell turnpike gate, and purchaser to give bond

1838.

missioners, aforesaid, shall appoint a gate keeper at the most suitable place on the aforesaid road, whose compensation shall not exceed one hundred dollars, and who shall execute bond and security for the performance of his duties, as now regulated by law; and who, from time to time, as may be regulated by said Commissioners, shall settle with them, and pay over the money in his hands, and permit said Commissioners to examine his books.

May remove
overseer.

SEC. 4. That the overseers, to be appointed by the Commissioners under the provisions of this act, and the said Commissioners, shall have power, if to them shall seem proper, to remove said overseer and appoint an other in his stead; provided, that they shall not appoint the purchaser or keeper of said gate overseer of any part of said road; and they shall, from time to time, settle with the overseer, and pay him for his services as the money becomes due from the purchaser of the turnpike gate, or as the profits of the gate may be received by a keeper, if a keeper shall be appointed under the provisions of this act.

Commission-
ers to examine
the work.

SEC. 5. That it shall be the duty of said Commissioners, before they settle with the overseer, to examine the work done by him; and if the same should not, in their opinion, be well done, they may deduct from his compensation such reasonable sum as they may consider right; if, however, the funds of said gate shall not be sufficient to keep the said road in good repair, it shall be kept in the best repair possible on the whole line from the foot of the Big hill to the forks; and the said Commissioners shall receive, each two dollars per day whilst actually engaged in service under this act, to be retained by them out of the money arising from said turnpike gate, provided they shall not exceed more than four examinations on said road.

Pay of Com-
missioners.

Commission-
to give bond.

SEC. 6. That said Commissioners shall give a joint bond, and security, in the Laurel County Court in April, in the penal sum of four thousand dollars, for the faithful discharge of their duties.

County court
to fill vacan-
cies.

SEC. 7. That in case either of the Commissioners should not accept, or should die, or the office in any manner become vacant, the County Court, in which the said Commissioner resides or resided, shall appoint another in his stead, who shall live on said road.

Rates of toll
to be stuck up.

SEC. 8. That the gate keeper, or purchaser of said gate, be compelled, under the penalty of five dollars, in case he shall omit the duties hereinafter required, to be recovered before any Justice of the Peace of the aforesaid counties, by any person who will sue for the same, a plain printed notice of the rates of tolls, to him allowed by law, to be placed at some conspicuous place at said gate.

Approved January 27, 1838.

CHAP. 665—AN ACT to incorporate a Fire Company in the town of Cynthiana, and for other purposes.

1838.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any of the citizens of the town of Cynthiana, not exceeding forty in number, shall be and they are hereby authorized to organize a Fire Company, which, as soon as twenty persons shall have joined, may proceed to the election of one Captain, one Lieutenant, one President, one Clerk, and one Treasurer; the said officers to appoint such other officers, and to adopt all such regulations and by-laws, as may be considered necessary for the management of said company.

May organize a fire company, &c.

SEC. 2. That said company shall, at least once in every month, convene at such place in said town as the company may select, and, under the control of the officers, practise themselves in the use and working of the Engine, not less than one nor more than two hours.

Shall meet every month.

SEC. 3. It shall be the indispensable duty of each officer and member of said company, when alarms of fire are given, to meet, promptly, with their engine, buckets, &c., at the place where the fire shall happen, to extinguish the same.

Duties.

SEC. 4. The senior officer present shall take command, being ranked as named in this act, and shall have power to enforce all proper orders made by him at any meeting of said company; and at any actual fire all of the citizens who are present shall, for the time being, be considered members of said company; and shall be governed by the officers thereof, in the same manner as if they were actual members; and any citizen failing to comply with the orders of said officers, during an actual fire, shall be fined not less than one nor more than two dollars.

Who to command, and citizens members at certain times

SEC. 5. Any member of said company, for failure of duty in any respect whilst on service, or for non-attendance, shall be liable to a fine of not more than three dollars, nor less than fifty cents. All fines assessed by the foregoing act shall be collected by warrant, before a Justice of the Peace for Harrison county.

Fines to be imposed.

SEC. 6. The Clerk shall keep a book, in which he shall record the proceedings of said company. The Treasurer shall, also, keep a book, in which he shall keep a true record of all money by him received and to whom paid, and for what purpose. The Captain, Lieutenant and President of said company, shall form a Board to transact business for said company, and in case of the absence of either, the remainder may fill their place or places, for the time being, by appointing some other member or members of said company. The aforesaid members of the Board shall hold their offices until one third of the members shall petition said Board to have an election; in that event, the members shall be duly notified of the same, and an election shall then take place. All fines collected, and

Duties of the officers.

1838.

Fines, how
applied.

paid over to the Treasurer, shall be appropriated towards purchasing engines, building and repairing engines, engine houses, purchasing buckets, ladders, and such other articles as said company may think advantageous. All orders for money must be drawn by the Captain, and countersigned by the Clerk.

May levy tax
on town.

Sec. 7. The Board shall have power to raise any sum of money not exceeding fifty dollars per annum, to be raised in the following manner, to-wit: upon the real estate in said town, wholesale and retail stores, and groceries, and negroes, that are kept in said town, as an *ad valorem* tax. The Board shall, by their Clerk, in the month of April, in each year, assess the above mentioned property in the same way that said property is taxed for the revenue of the State; and if any person shall pay the amount he is taxed in the month of May, they shall be entitled to a credit of ten per cent on the same; but all that remains unpaid at the expiration of the aforesaid month of May, shall be collected in the same manner, as the fines assessed by said Board are collected. The money collected by the above recited act shall be appropriated for buying fire buckets, and such other apparatus as is necessary for a fire company to have.

How appro-
priated.

Sec. 8. All suits brought for the benefit of said company, shall be brought in the name of the President of the Board of the Cynthiana Fire Company.

Officers, &c.
exempt from
militia duty.

Sec. 9. The officers and members of said company, so long as they continue as such, shall be exempted from militia duty (in time of peace,) serving on juries, or working on public roads.

Members of
Franklin fire
Co. exempt.

Sec. 10. *Be it further enacted*, That the members of the Franklin Fire Company be and they are hereby exempted from serving on juries, and performing militia duty.

Approved January 27, 1838.

CHAP. 666—AN ACT allowing an additional Justice of the Peace to Hopkins County.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, That a Justice of the Peace is much needed in the town of Providence, in the county of Hopkins, or its immediate vicinity—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be allowed to the county of Hopkins; and after the filling the office hereby created, the number of Justices allowed said county shall be reduced one, upon the happening of the first vacancy.

Approved January 27, 1838.

CHAP. 667—AN ACT allowing additional Justices of the Peace and Constables to the Counties of Christian and Knox, and additional Justices of the Peace to the Counties of Scott and Whitley.

1838.

WHEREAS, the people of the town of Lafayette, and its vicinity, in the county of Christian, labor under great inconvenience for the want of a Justice of the Peace and Constable residing in said town—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one additional Justice of the Peace, and one additional Constable, be allowed to the county of Christian.

Christian.

And, whereas, also, the people of Scott county, residing in the neighborhood of Pullin's Mill, on Eagle creek, labor under a like inconvenience, for the want of a Justice of the Peace.

SEC. 2. *Be it further enacted*, That an additional Justice of the Peace be allowed to Scott County.

Scott.

SEC. 3. *Be it further enacted*, That an additional Justice of the Peace and Constable be allowed to Knox county.

Knox.

SEC. 4. *Be it further enacted*, That an additional Justice of the Peace be allowed to the county of Whitley.

Whitley.

Approved January 27, 1838.

CHAP. 668—AN ACT for the benefit of the Brownville Seminary.

WHEREAS, it is represented to the present General Assembly, that the lands appropriated by law for seminary purposes to the county of Edmonson have been located, and that owing to some mismanagement in the former Trustees, they have been enabled only to realize the sum of one hundred and thirty dollars therefor; that said Trustees, by resignation, removal, and otherwise, are now all out of office, except A. M. Barret, in whose hands the said sum of money now is: and, whereas, the citizens of Brownville, and its vicinity, in said county, are desirous to build a permanent school house, or seminary of learning, in said town, but are unable to accomplish that object without aid—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the citizens of said town be authorized to meet at the court house in Brownville, on the first Tuesday in February in 1838, and then and there elect five suitable Trustees for said school, who shall continue in office for one year, or until others are duly appointed, who, after taking an oath before some Justice of the Peace for said county, honestly and faithfully to execute the duties thereof according to law, shall organize a Board, appoint a Clerk and Treasurer, and thereupon open a subscription for the purpose of raising funds for building a permanent school house, or seminary, in said town: and the subscribers, as hereafter provided for in this act, shall on the first Tuesday in February of each

Citizens to elect Trustees, and when.

To take an oath and elect officers.

1838.

Trustees,
when a suffi-
cient sum is
raised, shall
build a house.

year after the year 1838, meet at the court house in Brownville, and elect five Trustees for said school, who shall continue in office until their successors or others are duly appointed.

SEC. 2. That when the said Trustees shall secure, by subscription or otherwise, a sufficient sum, when added to the one hundred and thirty dollars aforesaid, together with the probable amount of the fines and forfeitures accruing in the county of Edmonson for four years next after the first day of October 1837, (which are hereby appropriated to that object,) to build and complete said house, the said Trustees shall be authorized to receive, and the said Barret required to pay over the said sum in his hands for that object; and the said Trustees shall, as soon after their election as practicable, proceed to let, publicly, to the lowest bidder, the building of said house, according to such plan as they may devise, and to take bond from the undertaker, with security, conditioned for the erection of said house according to said contract.

SEC. 3. That the said Trustees, so elected, and their successors in office, shall be perpetually a body politic and corporate, to be known and called by the name of the "Trustees of the Brownville School;" and, as such, shall have power and authority to purchase, hold, and possess, such property as they shall deem necessary for the advantage of said school; and in their corporate name to receive or make conveyances for the same; sue and be sued, plead or be impleaded, in any court of law or equity in this Commonwealth; and shall have full power to make and enforce any by-laws which they may deem expedient for the government of said school, not repugnant to the laws of this State.

SEC. 4. That the said Trustees shall keep a record of their proceedings; shall require their Clerk and Treasurer, when appointed, and before they enter upon the discharge of their respective duties, to take an oath honestly and faithfully to execute the duties thereof during their continuance in office; and the latter to execute bond, with security, with an adequate penalty, conditioned for the faithful keeping and disbursing of the funds which may come to his hands, under the direction and subject to the order of the Board; each of whom shall be subject to removal from office at the pleasure of the Board.

SEC. 5. That the said Trustees shall have power to institute and prosecute to judgment, motions in the County or Circuit Court of Edmonson, against any of the officers of said county, who, by law, are authorized to receive and collect fines and forfeitures, who shall fail or refuse to pay over moneys in their hands to the order of said Trustees, as herein provided.

SEC. 6. That in case said subscribers should fail, at any time, to elect Trustees according to the provisions of this act, the Clerk of the Board shall report that fact to the County Court of Edmonson at their March term, who shall, thereupon, appoint five suitable persons as Trustees, who shall be sub-

When subscribers fail to elect, county court may.

Trustees may motion officers.

Clerk and Treasurer to take oath.

Shall keep a record.

ject to the same requirements and possess all the powers as those elected according to the provisions of the first section of this act.

1838.

Approved January 27, 1838.

CHAP. 669—AN ACT to incorporate the Union Literary Society of the County of Boone, and Deionologian Society of Centre College.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present, and those who may hereafter become, shareholders in the Union Literary Society of the County of Boone, and their associates and successors, be and they are hereby made and constituted a body politic and corporate, by the name and style of the President and Directors of the Union Literary Society, and by that name shall have perpetual succession, and are hereby made able and capable to have, purchase, receive, possess, enjoy, and retain, to them and their successors, such lands, tenements, hereditaments, goods, chattels, and effects, as they may deem necessary for the advantage of said company, and for the promotion of Literature and Education; and the same to sell, grant, demise, alien, and dispose of, at pleasure; and, also, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity in this Commonwealth, or elsewhere; and shall be and are hereby vested with all the privileges and powers which, by law, are incident to corporations of a similar nature; also, to make, have, and use, a common seal, and the same to break alter or renew at pleasure; also, to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall be necessary and convenient for the government of said corporation, and which are not contrary to the constitution and laws of this Commonwealth; and generally to do and execute all and singular the acts necessary to carry into effect the objects of this charter: *Provided*, that the value of any lands, tenements, hereditaments, goods or chattels, which said company is hereby authorized to hold, shall not, at any time, exceed the sum of twenty five thousand dollars.

Union literary society incorporated.

SEC. 2. That the property of said company shall be and is hereby divided into one thousand shares of twenty five dollars each, and every original holder thereof shall have a certificate, under the seal of said company, signed by the President, and attested by the Treasurer; and said stock may be alienated by the proprietor thereof, in such manner as the Board of President and Directors may determine; and said stock may be held and deemed personal estate, and pass to the executor or administrator, on the demise of the holder thereof; and each and every stockholder, at all elections or meetings, shall be entitled to one vote for each share held by him, and may vote either personally or by proxy.

Shares of stock.

1838.

Election of
President and
Directors.

SEC. 3. That the members of said company, on the first Monday in July, in the year 1838, and on the same day in each succeeding year, shall meet and elect a President and four Directors, who shall continue in office until the first Monday in July, in the ensuing year, and until their successors shall be elected; and in case of the death or resignation of the President or any Director, the remaining Directors shall elect some person to fill the vacancy for the residue of the year; and no person shall be a President or Director who is not a shareholder. The President and three Directors shall constitute a quorum to do business, or four Directors without a President, one of whom shall be chosen President for the time being.

Number of
shares may be
increased.

SEC. 4. That it shall and may be lawful for the shareholders to increase the number of shares of said company, to such number, at such time or times, and in such manner, as they, according to the rules and regulations of said corporation, may deem proper, provided three fourths of the votes on all the shares shall concur therein.

Officers.

SEC. 5. That the President and Directors, for the time being, shall have power, and are hereby authorized, to appoint, from time to time, a Secretary, a Treasurer, and such other Officers and Agents as shall be thought necessary and convenient for their regular government, and to carry into effect the objects for which this corporation is established; and to levy and collect fines and forfeitures, and taxes and contributions on the shares held in said corporation: *Provided*, that each shareholders shall be at liberty, at all times, to transfer and relinquish to said company his share or shares, and shall forever, thereafter, be released from all further contributions on account thereof: *Provided*, that the Legislature reserves the power to alter, amend and modify this charter, hereafter, as shall be deemed expedient.

Proviso.

Deinologian
society incor-
porated.

SEC. 6. That Thomas S. Proctor, Robert Montgomery, John R. Ford, William S. Read, and Jeremiah S. Pierce, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the "Deinologian Society of Centre College," and by that name and style may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places, within this Commonwealth; and shall, also, have power to acquire, take and hold, by gift, grant, devise, or purchase, any real or personal estate not exceeding the value of twenty five thousand dollars; and to sell, convey, exchange, or dispose of the same at pleasure, for the use of said Society.

Elections of
officers.

SEC. 7. That it shall be lawful for the members of the Deinologian Society of Centre College, on the first Monday in March next, and on the same day in every year thereafter, to elect a President, Vice President, Secretary, and Treasurer, of said Society, who, upon their election, shall enter upon the

duties prescribed by the members of said Society: and the President, Vice President, Secretary and Treasurer, so chosen, and their successors, shall be the corporators, and shall take and hold, for the use of the Society, all the goods, chattels, estate and funds of said Society; and in the corporate name, may sue and be sued; and in all suits against the corporation, service of process upon the President, for the time being shall be good against said corporation.

1838.

SEC. 8. That the members of said Society, shall, also, have power and authority to ordain and establish such rules, by-laws, and regulations, for their government, as they may deem proper and necessary, and are not inconsistent with the constitution and laws of this Commonwealth, and the charter, rules and regulations of Centre College. They may, also, appoint such subordinate officers as they may deem proper and necessary for the transaction of the business of said Society, and may remove such subordinate officers at pleasure; but the President, Vice President, Secretary and Treasurer shall hold their offices for one year, and until their successors are chosen; and in case no election shall be held on the first Monday in March, 1838, then the corporators, named in the first section of this act, shall constitute the body politic and corporate, and shall exercise all the privileges, rights and liberties granted by this act, until an election is held by the members of the said Society, and a President, Vice President, Secretary and Treasurer are chosen, as prescribed in this act.

By-laws.

Officers may be removed.

SEC. 9. That all the books, furniture and apparatus now belonging to said Society, shall be and the same are hereby vested in said Society, as fully and completely as if the same had been acquired after the passage of this act.

Property vested in the society.

Approved February 1, 1838.

CHAP. 670—AN ACT to allow an additional Constable to Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed to the County of Washington, one additional Constable, to reside on the south-east side of Maxville, in the neighborhood of Uriah S. Graves, Esqr.

Approved February 1, 1838.

CHAP. 671—AN ACT for the benefit of the children James G. Sharp.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Harvey Northcut, Thomas Northcut, and William Northcut, children of James G. Sharp, of Green County, and Mary Northcut, before their intermarriage and recog-

1838. nized by them, shall hereafter be called and known by the names of Harvy Sharp, Thomas Sharp and William Sharp.

Approved February 1, 1838.

CHAP. 672—AN ACT to amend an act, entitled, an act to define more particularly the line between Boone and Gallatin Counties, and for other purposes, approved December 18, 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of said act be so amended as to authorize the County Court of Boone to direct the county Surveyor of said county to run and mark said division line, in conjunction with the Surveyor of the County of Gallatin.

Approved February 1, 1838.

CHAP. 673—AN ACT authorizing the Fleming County Court to fix the price of the vacant land in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Fleming County Court are hereby authorized to affix such price as they may deem proper, to any portion of the vacant lands in said county; nor shall said court be compelled to affix the same price for all lands in said county, notwithstanding any thing contained in the second section of the act, entitled, an act to amend the second section of the act of 1835, appropriating the vacant lands of this Commonwealth, north and east of the Tennessee river, to the counties in which they lie for Internal Improvement.

Approved February 1, 1838.

CHAP. 674—AN ACT for the benefit of Brice M. Frazier.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever it shall appear to the Monroe Circuit Court, by the proper return on a writ of *de idiota enquirendo*, that Brice M. Frazier is a person of unsound mind, it shall be the duty of said court, from time to time, to make such allowances out of the Public Treasury for the support of said Frazier, during his Lunacy, as are authorized by law in regard to Idiots; and for the amounts, so allowed by said court, the Auditor of Public Accounts shall issue warrants on the Treasury as in case of Idiots.

Approved February 1, 1838.

CHAP. 675—AN ACT to regulate the terms of the Fayette and Scott Circuit Courts.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Fayette Circuit Court shall, hereafter, be held on the third Mondays in February, March, June, July, and September, and continue in session until the business in said court is completed, provided the terms of said court shall not conflict with the terms of the Scott, Owen, and Woodford Circuit Courts, and the Court of Appeals, as provided for by law: *And, provided further*, That the Judge of the Fayette Circuit Court shall be at liberty to call special terms for the trial of criminal cases; but at no special term shall any civil business be transacted, unless by consent of the parties or their counsel.

Term of Fayette circuit court.

SEC. 2. That the Judge of the Fayette Circuit Court shall, by the rules of said court, direct the manner of arranging, on the docket, all suits in said court, whether civil, criminal, or chancery.

Docketing suits.

SEC. 3. That all suits, prosecutions, motions, and process, shall be returnable to the first days of said terms, respectively, after the passage of this act, except as to the next February term, which shall not be held for the present year.

Return of process.

SEC. 4. That, hereafter the Scott Circuit Court shall commence its terms on the first Mondays in March, June, and September, in every year, and shall sit twelve juridical days at each term, if the business shall require it; and that all recognizances taken, and all process issued returnable to the terms now fixed by law, shall be returned to the terms and days as fixed by this act, and shall be as binding and obligatory as they would have been under the law now regulating the terms of said court: *Provided*, That the Judge of said Scott Circuit Court is hereby authorized to call special terms, for the transaction of the business of said court, at such times as he shall deem necessary for the public interest.

Terms of Scott court.

Approved February 1, 1838.

CHAP. 676—AN ACT appropriating money to Ephraim R. Dillingham, J. L. Newland, William D. Martin, and Daniel Stewart.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts issue the following warrants on the public Treasury, to-wit: in favor of Ephraim R. Dillingham, for forty one dollars; in favor of J. L. Newland, for forty one dollars; in favor of William D. Martin, for twenty dollars, and in favor of Daniel Stewart, for twenty dollars, being for their services rendered, and expenses incurred, in the pursuit and apprehension of John Cash, charged with the commission of murder in Muh-

1838.

lenburg county—which wants the Treasurer is directed to pay, out of any moneys in the Treasury not otherwise appropriated.

Approved February 1, 1838.

CHAP. 677—AN ACT to reduce the number of Constables in the County of Spencer, and to allow an additional Justice of the Peace to Union County.

Spencer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Spencer county shall, at their April County Court, 1838, lay off said county into five Constables' districts, and that, hereafter, when the bonds of said Constables, who are now in office, shall expire, they shall not be permitted by said County Court to renew their bonds, or be re-eligible to the office of Constable, until the number of Constables, now in office, shall be reduced to the number of districts in said county; nor shall there be any other appointment by said County Court, of Constables in said county, until such reduction takes place as aforesaid; provided, that in making the reduction, no district, so made, shall be left without a Constable.

Union.

Sec. 2 *Be it further enacted*, That the county of Union shall be allowed an additional Justice of the Peace, provided that a majority of all the Justices of the County Court of said county shall concur in the opinion that it is necessary for the convenience of the citizens of said county, residing north of Hiland creek.

Approved February 1, 1838.

CHAP. 678—AN ACT to apply the fines and forfeitures of the County of Pulaski, to lessening the County levy of said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of all Sheriffs, Constables, and Justices of the Peace, to pay over all the fines and forfeitures, now in their hands, in the county of Pulaski, to the County Court of said county; and all the fines and forfeitures, hereafter collected by said officers, shall be paid over, in like manner; and upon the refusal or failure of any officer, as aforesaid, to pay over such fines and forfeitures to the County Court, as aforesaid, it shall be the duty of said court to proceed against such officer, by motion, as in other cases; and it shall be the duty of said County Court to apply all such moneys coming into their hands, hereafter, under the provisions of this act, towards lessening the county levy of said county; any law to the contrary notwithstanding.

Approved February 1, 1838.

CHAP. 678—AN ACT to amend

1838.

Levy a tax.

Be it enacted by the General Assembly of Kentucky, That the words "p. line of the third section of the a. 1837, entitled, an act for the bene all that part of the before mentione ceeding the before recited words, "p. the same is hereby repealed.

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CHAP. 680—AN ACT for the benefit of Lloyd.

Be it enacted by the General Assembly of the of Kentucky, That the sum of five dollars, be a. is hereby appropriated to Lloyd Warfield, out of Treasury, and the Auditor is hereby directed to issue a warrant on the Treasury for said sum in favor of said Warfield; and the Treasurer is hereby directed to pay the amount of such warrant, upon its presentation, out of any money in the Treasury not otherwise appropriated.

Approved February 1, 1838.

CHAP. 681—AN ACT to establish a State Road from Hopkinsville, in Christian County, to Morgantown, in Butler County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Daniel S. Hays and Leonard Wood, of Christian county, Charles Armstrong, of Todd county, Henry Fitzhugh, of Logan county, and James Moore and Hugh C. Reed, of Butler county, be and they are hereby appointed Commissioners to view and mark out the best and most practicable route for a State road from Hopkinsville, in Christian county, to Morgantown, in Butler county, who, or a majority of whom, shall meet in the said town of Hopkinsville, on the first Monday in May, or as soon thereafter as practicable, and proceed to view and mark the route for said road; it shall, also, be the duty of said Commissioners to make a report, in writing, to the County Courts of Christian, Todd, Logan, and Butler, designating, fully, the route which said proposed road shall pass.

Commissioners.

Where to meet.

Duties.

SEC. 2. That upon the before mentioned report being made to the said County Courts, the route therein designated shall be and the same is hereby established a State road; and it shall be the duty of the County Courts, aforesaid, to lay off said road into convenient precincts, and appoint Surveyors and allot a sufficient number of hands to each, to clear out and improve said road in each of the respective counties, di-

Road established.

Duty of courts.

1838.

lenburg county, pay, out of said road shall be cleared at least 25 feet wide, private dumps cut low and rounded at the top, the banks of creeks and branches graded, and to throw bridges across the same where they may be deemed necessary, so as to admit of safe and convenient passage.

Pay of Commissioners.

SEC. 3. That said Commissioners be paid the sum of two dollars per day for each day they may be necessarily employed in the discharge of their duties herein assigned them, to be jointly paid by the counties of Christian, Todd, Logan, and Butler.

Courts shall not change the road.

SEC. 4. That it shall not be lawful for the County Courts of the counties through which the beforementioned road shall pass, to alter or change said road, after the same shall have been cleared out; but it shall be their duty, at all times thereafter, to appoint a sufficient number of hands to keep said road in repair; and the Surveyor and hands thereof shall be governed by the same laws and regulations as now are, or may be, in force in this Commonwealth in relation to the working on and improving the public roads.

Damages to be assessed.

SEC. 5. That any person over whose land said road may pass, shall have the right to obtain from the County Courts of the county, in which said land lies, a *writ of ad quod damnum*, under the provisions of the general law of this State; and the damages assessed, under said writ, shall be paid by said County Court, as is directed by the provisions of said road law.

Certain parts established.

SEC. 6. That the road heretofore marked and cut out from Morgantown, in Butler county, on the direction to Hopkinsville, Christian county, shall be the route so far as Logan and Butler counties are concerned.

Approved February 1, 1838.

CHAP. 682—AN ACT to establish the town of Willisburg, and for other purposes.

Town established.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Willisburg, in the County of Washington, shall be, and the same is hereby established; and it shall be lawful for the free white male inhabitants of said town, of the age of twenty one years and upwards, to meet at such places as they may agree upon, in said town, on the first day of June next, (and in default thereof on the first day of August, thereafter,) and annually on the first Monday in June in every year, and elect, by vote, *viva voce*, five fit persons for Trustees of said town, to serve for one year, and until their successors be duly elected; and the said Trustees may enact such by-laws and ordinances, not contrary to the constitution and laws of this Commonwealth, as they, in their discretion, may deem most expedient for the government of said town, and to impose fines and forfeitures, for all

Trustees to be elected.

breaches of the same; they shall, also, have power to lay and levy a tax on the inhabitants and property of said town, provided the same shall not exceed fifty cents for each one hundred dollars' worth of property, with a poll tax not exceeding one dollar and fifty cents for each tithable. And the said Trustees shall have power to purchase, or sell and convey the titles to any lots in said town, in whom the same shall, upon their appointment, be vested; and to contract and be contracted with, sue and be sued, plead and be impleaded, and to do all and singular the acts and things, in their corporate capacity, concerning the premises, which individuals might lawfully do.

1838.

Levy a tax.

Corporate powers.

SEC. 2. That the said Trustees may fix metes and bounds of said town, and have the same surveyed and plotted, laid out into streets, alleys, and cross streets, as they may direct, which plats of the surveys of said town shall be recorded in the County Court Clerk's office of said County of Washington.

May fix the plan and record it.

SEC. 3. That the Peola election precinct, in the said County of Washington, shall be and the same is removed to said town of Willisburg, at which place elections shall hereafter be holden, in some house to be furnished by the citizens of said town, agreeably to the same laws, rules and regulations, which have heretofore governed elections at said precinct.

Election precinct removed to Willisburg.

Approved February 1, 1838.

CHAP. 683—AN ACT for the benefit of Henry Trimble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry Trimble is hereby forever divorced from his former wife, Susan Trimble, and that he is released from all the pains and penalties of a second marriage which has been consummated with Nancy S. Wyatt, which said second marriage is hereby legalized.

Approved February 1, 1838.

CHAP. 684—AN ACT authorizing the Trustees of Shelbyville to change a street.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of the town of Shelbyville, or a majority of them, to sell and convey to M. D. McHenry all the part of a certain cross street in the town of Shelbyville, running from the street in front of the College and said McHenry's lot, and passing between out lots one hundred and nine, one hundred and eleven, and one hundred and sixteen, being the College property on the east and said McHenry's property, to wit: out lots one hundred and twelve, one hundred and fifteen, and one hundred and

Trustees may sell and convey a street.

1838.

Recital.

twenty, on the west. *And, whereas*, it is represented to the General Assembly that it would be conducive to the convenience of the citizens of Shelbyville, and is desirable with the Trustees of Shelby College, to change the street which passes from Main street between out lots No. 106 and 109, on the west, and in lots eighty eight and eighty nine, on the east, so as to run it immediately in front of the College—therefore,

Trustees may
purchase a lot
and open a
street.

Sec. 2. Be it further enacted, That the Trustees of Shelbyville, or a majority of them, shall have power to procure by purchase, or receive by donation, so much of the lots immediately in front of the College as shall be requisite, and to cause a street of suitable width to be opened in front of the College buildings, and extending from the College grounds to the turnpike road; and that the Trustees, by and with the consent, in writing, of the owners for the time being, of the adjoining lots, may sell and convey the said cross street now passing between lots one hundred and six and one hundred and nine, on the one side, and lots eighty eight and eighty nine, on the other; and that any deed made by the Trustees aforesaid, agreeable to the provisions of this act, shall pass the fee simple to the purchaser: *Provided, however*, That the street, as it now runs, from the turnpike to the south west corner of the College lot, shall not be closed until the new street is opened.

Approved February 1, 1838

CHAP. 685—AN ACT appropriating the vacant lands in Clinton County to lessening the County Levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the proceeds of the small portion of waste and unappropriated lands lying within the County of Clinton, shall be subject to the order of the County Court of said County, and go towards lessening the County Levy of said county.

Approved February 1, 1838.

CHAP. 686—AN ACT to improve the Navigation of the Beech Fork of Salt River, in Nelson County

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, it shall and may be lawful for William Read, Roderick Tewill, and Ignatius Greenwell, to erect a dam on the south side of the Beech Fork of Salt river, in Nelson County, to reach thence to the Sand Bar, at what is called Greenwell's Ford, a short distance above the mouth of Landing run: *Provided, however*, That if the dam should be found to injure and not improve the navigation of said stream, it shall be deemed a nuisance, subject to be abated or discontinued.

ed by the verdict of a jury, to be empannelled and sworn on the premises, by some Justice of the Peace of said county, on complaint made to him.

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Approved February 1, 1838.

CHAP. 687.—AN ACT to amend an act, entitled, an act to incorporate a Company to make a Turnpike Road from Franklin County to the Crab Orchard, in Lincoln County.

WHEREAS, it is represented to the present General Assembly that the Board of Internal Improvement for Anderson county have completed, within said county, three and three quarter miles more than they are authorized to charge or receive tolls for—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement, in and for the county of Anderson, be authorized to erect and set up an additional toll gate in said county, and charge and receive for toll at said gate, in the proportion that three and three quarters bears to five, agreeably to the rates of toll allowed by the acts of incorporation of said road, from all persons, and for their properly passing the same, subject to pay toll by said act.

Approved February 1, 1838.

CHAP. 688.—AN ACT for the benefit of Peyton Justice, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that a change in the State road, around the farm of Peyton Justice, in the county of Pike, and State of Kentucky, would be of considerable advantage to said Justice, and of no disadvantage to the public—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Cecil, Richard P. Robinson, George Powel, and Thomas Owens, sen., be and they are hereby appointed Commissioners, who, after first being duly sworn, shall view the proposed way for a change in said road, as well as the present road, and report to the next County Court thereafter, the conveniences or inconveniences that will result to the public in case said change shall be made, and if the County Court shall be of opinion, from said report, that the change will be of no disadvantage to the public, they may authorize said Justice to make said change: and whenever said Commissioners shall report to the said court that the road, as changed, is completed, and is as good as the present road, said court shall make an order upon their record establishing said road as a part of the public highway.

SEC. 2. That the provisions of this act be extended to Wil-

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liam M. Smith, of Floyd county, and that Henry B. Mayo, John Friend, Joseph Edwards, and Daniel D. Jones, be appointed Commissioners.

Approved February 1, 1838.

CHAP. 689—AN ACT for the benefit of Reuben Holeman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby appropriated out of the public treasury, to Reuben Holeman, of Anderson county, the sum of twenty two dollars seventy five cents, for services rendered by him as Commissioner of tax in said county, under the law repealed at the last session of the Legislature, and which services were rendered previous to the repeal of the law, and before he was apprized thereof; and the Auditor is hereby directed to draw his warrant on the Treasurer for the said sum of twenty two dollars seventy five cents, in favor of said Holeman, and the Treasurer is hereby directed to pay the amount of said warrant to the holder thereof.

Approved February 1, 1838.

CHAP. 690—AN ACT for the benefit of Thomas J. Oliver.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Thomas J. Oliver, and his wife Rebecca Oliver, is forever dissolved, so far as respects said Thomas, who is hereby restored to all the rights and privileges of an unmarried man.

Approved February 1, 1838.

CHAP. 691—AN ACT for the benefit of Walker Daniel, infant heir of Walker Daniel and Eliza Daniel, deceased, of Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John N. Lyle, of Shelby county, in his character of guardian of Walker Daniel, infant heir of Walker and Eliza Daniel, late deceased, of Shelby county, to sell, at public or private sale, as he may deem best, a certain slave named George, the property of said infant, by descent: *Provided, however,* That the proceeds of said slave, when so sold, shall be held by John N. Lyle as part of the effects of the said infant, for the due and proper management of which, the said John N. Lyle shall be, in all respects, accountable, in manner and to the extent he is accountable for all moneys and effects which he may have care of, as guardian for said infant.

Approved February 1, 1838.

CHAP. 692—AN ACT for the benefit of the heirs of William Hogan, deceased.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the guardian, or guardians, for the infant heirs of William Hogan, deceased, to file their petition in the Jessamine Circuit Court praying for a sale of a tract of land descended to said heirs, lying in the county of Garrard, on the Kentucky river, opposite the mouth of Hickman creek; and if it shall appear to said court, that a sale of said land will redound to the interest of said infants, said court shall have full power and authority to decree a sale of said tract of land, upon such terms and credits as may be deemed just.

May file petition; for what purpose.

SEC. 2. That said court shall have power and authority to decree a sale of said land in one entire tract, or in parcels, as may be deemed most to the advantage of the infants; and shall have power to appoint Commissioners to make said sale, and to convey the legal title; and, also, to require such bond, or bonds, from the guardians of said infants, as may be necessary to secure the proceeds thereof, and the faithful application of the same; and to make all such further orders and decrees as may be necessary and proper, and as are consistent with the rules and principles of chancery proceedings.

Power and duty of the court.

Approved February 1, 1838.

CHAP. 693—AN ACT for the benefit of James G. Pitts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President of the Board of Internal Improvement, William Owsley, and James T. Morehead, Esqrs., are hereby appointed arbiters to settle with James G. Pitts, and to pay said Pitts whatever he may be entitled to, and that may be found due by reason of the non-fulfilment of the contract made with said Pitts, by the authorized Commissioner of the Green river Board, to be paid out of the Internal Improvement fund; and to enable the said arbiters to ascertain satisfactorily, whether any, and if any, what amount of the claim of said Pitts against the State is just and equitable, they are hereby authorized to take, or cause to be taken, the testimony of the Green river Commissioners, and such other persons in behalf of or against said claim, as they may think proper.

Approved February 1, 1838.

CHAP. 694—AN ACT for the benefit of Martha McClane, a person of unsound mind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Scott Circuit Court shall, from time to

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time, make such allowance to Martha McClane, a person of unsound mind, for her support, as is by law authorized in regard to idiots; and for the amount, so ordered by said court, the Auditor of Public Accounts shall issue his warrant on the treasury in favor of her committee, as in cases of idiots; said allowance to commence on the first day of December, one thousand eight hundred and thirty seven, and continue during her lunacy.

Approved February 1, 1838.

CHAP. 695—AN ACT for the benefit of the heirs of Elzaphin Richards, dec'd.

May file petition in chancery.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the administrator of Elzaphin Richards, deceased, of Bath county, together with the infant and adult devisees of said Richards, to file their petition in chancery, in the Bath Circuit Court, praying for partition of the estate devised to them by their ancestor: and if it shall appear to the satisfaction of the Chancellor, under a sound construction of the will of said testator, and from the condition of said devisees, that a partition, or sale, at this time, of the real and personal estate devised, would redound to the interest of the infant children, (and not otherwise,) he shall have full power and authority to decree partition, or sale, of the estate devised, whichever he may deem most conducive to the interest of said devisees, provided that the court shall be of opinion that a partition, or sale, of the estate will not be a violation of the provisions of the will of Elzaphin Richards, deceased.

May decree a sale.

SEC. 2. That the Chancellor of said court shall have as full power and authority, over the estate aforesaid, as he possesses over the estates of infants, descended to them, provided he shall deem it to the interest of the infants that a sale or partition should presently take place; and in case he should decree a sale of the estate, he must take into consideration the interest of the infants, as secured under the will, "to have their schooling, and be raised on the farm free of expense," and make such order in relation thereto, as will secure to them complete justice; and, in any event, whether a decree is rendered for partition, without sale, or for sale and then partition, the interest of each devisee shall be protected, and secured as is provided in the will of the testator.

May appoint commissioner.

SEC. 3. That the Chancellor of said court shall have full power and authority to appoint such Commissioner, or Commissioners, as may be necessary to carry his decree into effect, and to secure to the purchaser, in case of sale, the complete legal title to the estate sold; and to make all such other and further orders and decrees as may be consistent with the rules and principles of courts of chancery.

Approved February 1, 1838.

LAWS OF KENTUCKY.

CHAP. 696—AN ACT for the benefit of James G. Edens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the County Court of Graves county, and they are hereby authorized, at any County Court to be held for said county, a majority of all the Justices being present, to levy the sum of ninety three dollars, or any portion thereof, for the benefit of James G. Edens, if to them it shall seem right and just that said sum, or any portion thereof, should be levied for said Edens, for having Emily Moore guarded whilst under a charge of felony in the jail of Graves county, notwithstanding said service, in guarding, may not have been performed in strict accordance with the requisitions of law.

Approved February 1, 1838.

CHAP. 697—AN ACT for the benefit of Mary Staples.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary Staples, and her husband John H. Staples, is forever dissolved, so far as respects said Mary, who is hereby restored to all the rights and privileges of an unmarried woman.

Approved February 1, 1838.

CHAP. 698—AN ACT to extend the limits of the town of Bloomfield, in Nelson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the limits of the town of Bloomfield, in Nelson county, shall be and the same are hereby extended in the following manner: beginning at the northwestern limits of said town; thence across the east fork of Simpson's creek, westwardly, with a line between Haydon E. Stone and John T. Brown, to the line of Mrs. Ann Brown; thence southwardly, with said line and others, so as to include the lots of said Haydon E. Stone, Burgess Mason, Mrs. Adair, Mrs. Ann Brown, and Henry Russell; thence eastwardly to the northwest corner of the brick school house, the southern limits of the present corporation: and all the laws now in force for the government and regulation of said town, and the jurisdiction of the Trustees of said town, shall be and the same are hereby extended to and over the estate and persons, hereby included in the above recited boundary; provided that the Trustees of said town shall open no new street or alley, through any lot, or part of a lot, within the before described boundaries, without the consent of the owners of the same first obtained.

Approved February 1, 1838.

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CHAP. 699—AN ACT authorizing the County Court of Whitley to open a wagon road to the Falls of Cumberland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the County Court of Whitley to appoint reviewers, to review a way for a wagon road from some point to be named by them, on the Laurel road, to the great falls of Cumberland; and being reported practicable, the court shall set apart, for that purpose, so much of the proceeds of the vacant lands in Whitley county as they, in their discretion, may think advisable; also, to designate hands, or boundaries, to a sufficient extent, which, when coupled with the allowance made by the county of the funds arising from the sale of land, shall be sufficient to open said road; to be governed in every respect as is usual in opening public roads.

Approved February 1, 1838.

CHAP. 700—AN ACT for the benefit of Louisa A. Rust.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Peter H. Rust, and his wife Louisa A. Rust, is forever dissolved, so far as respects said Louisa, who is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name of Louisa A. Haynes.

Approved February 1, 1838.

CHAP. 701—AN ACT for the benefit of Catharine Rowe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Jacob Rowe, and his wife Catharine Rowe, is forever dissolved, so far as respects said Catharine, and she is restored to all the rights and privileges of an unmarried woman.

Approved February 1, 1838.

CHAP. 702—AN ACT to incorporate the Falmouth and Lexington Railroad Company.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel T. Houser, Charles Martin, Augustus Robbins, Nicholas M. Holton, R. Stowers, Asberry Broadwell, Solomon C. Perrin, John R. Thornton, George Williams, Robert Wickliffe, and Benjamin Dudley, be and they are hereby appointed Commissioners, under whose direction and contrl books shall be opened, at such times and

Commission-
ers appointed;
their duty.

1838.

places, and under the care of such persons as they, or a majority of them, may designate, for subscriptions to the capital stock of said company, hereby incorporated; and that said books shall be kept open at least thirty days. If, at the expiration of said period, such subscription to the capital stock of said company, as is necessary for the incorporation of the same, shall not have been obtained, the Commissioners, or a majority of them, may cause said books to be again opened, at such times and places, and under the direction of such persons as they may direct, for the space of three months thereafter, or until the sum necessary for the incorporation of the company shall have been subscribed; and said Commissioners shall advertise the time and place of opening said books, at least twenty days, in such papers as they may think proper.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each; and so soon as fifty thousand dollars shall be subscribed, the subscribers shall be and they are hereby declared to be incorporated into a company, by the name of the Falmouth and Lexington Railroad Company, and under that name and style shall be a body politic and corporate, and, as such, may sue and be sued as other corporations, in all courts of law and equity.

Capital stock.

Name and style, and corporate powers.

SEC. 3. That when fifty thousand dollars shall be subscribed, it shall be the duty of the said Commissioners to give at least one month's notice that an election will be held at the Court House in the city of Lexington, at such time as they may specify, to choose the President and Directors of said company; which election shall be made by such persons, and in the same manner, as is directed in an act, approved February 29th, 1836, entitled, an act to incorporate the Louisville, Cincinnati and Charleston Railroad Company; and to enact such rules, regulations and by-laws as may be necessary for the government of the corporation, and transaction of its business.

Election for President, &c.

SEC. 4. That it shall be lawful for the Trustees of any of the towns through which said road may pass, or for any corporation in the United States, through their agent by them respectively appointed for that purpose, to subscribe for and hold shares in the capital stock of said company, in the same manner that individuals may, and to enjoy the same right of voting by their respective agents or officers, and all other rights and privileges that other stockholders may.

Towns, &c. may subscribe stock.

SEC. 5. That said company shall construct said road from a point on Licking river at Falmouth, by the way of Cynthiana and Paris, to Lexington, upon the same plan that may be adopted by the Louisville, Cincinnati and Charleston Railroad Company, and connect the same with the last mentioned company at Lexington, with the assent of said company.

How road to be constructed.

SEC. 6. That all that part of the act incorporating the Charleston and Cincinnati Railroad Company, which relates

Tolls.

1838. to tolls, be and the same is hereby re-enacted and made part of this charter.

Capital stock
may be increas-
ed.

SEC. 7. That the company, hereby incorporated, may increase the capital stock to such amount as may be necessary to complete said road.

To construct
branch.

SEC. 8. That when the company, hereby incorporated, shall commence the construction of the Railroad at Falmouth, they shall simultaneously commence the construction of a branch of the same at Claysville on Licking river, and construct the same by the nearest and most practicable route, so as to unite with the main road at Cynthiana, in Harrison County.

Provisions of
this act to ap-
ply to branch.

SEC. 9. That all the provisions of this act, applying to the construction of the Railroad from Falmouth to Lexington, be and the same are hereby extended to the branch hereby required to be, by the said company, constructed from Claysville to Cynthiana, in Harrison County: *Provided, however,* That said company shall not be compelled to construct said lateral branch, unless the citizens of Harrison County shall raise and furnish the means, and place the same in the hands of said company to construct said branch.

Approved February 1, 1838.

CHAP. 703—AN ACT for the benefit of the City School in the town of Frankfort, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that it is the desire and intention of a number of individuals to establish a Public School, suited to the wants and condition of all classes of the community, in the town of Frankfort: and, whereas, the Franklin Seminary has been pulled down, and removed from the Public Square, thereby depriving the citizens of the only house of Public Instruction in said town, as well as the entire loss of the proceeds of 6000 acres of land, granted by the Legislature to the County of Franklin for Seminary purposes: and, whereas, it is a matter of great importance to the public, that the town of Frankfort should be well supplied with water, as well for private as for public uses, and it is represented to the General Assembly that the same can be done by conveying it from the Cove Spring, in the neighborhood of said town; and that the security of the private and public buildings thereof would be greatly protected.

Sum to be
raised, and how
to be applied.

SEC. 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Edmund H. Taylor, Philip Swigert, Thomas S. Page, Mason Brown and John J. Vest, to raise, by way of Lottery, in one or more classes, as to them may seem expedient, any sum not exceeding one hundred thousand dollars, to be appropriated, one half for the use and benefit of a City School in the

1838.

town of Frankfort, and the other half for the construction of such reservoirs, pipes, conductors, and other works, that may be necessary and proper to convey the water from the Cove Spring into said town, in such manner and quantities as the aforesaid persons may think suitable to the convenience of the people of said town, and the safety of the private and public buildings therein.

Sec. 2. That the said Managers, or such of them as may act, shall, before they commence the discharge of the duties assigned them by this act, enter into bond, with good security, to the Commonwealth of Kentucky, in the County Court of Franklin, in the penalty of one hundred thousand dollars, with condition that they will faithfully discharge the duties hereby imposed on them; and which said bond may be sued on in the name of the Commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the condition thereof: and it shall be duty of said Managers, within ninety days after the drawing said Lottery, or any class thereof, to pay, or cause to be paid, to the fortunate person or persons holding a ticket or tickets thereof, all such prize or prizes as may be drawn by any individual or individuals, or company of individuals, agreeable to the scheme which the said Managers may agree upon and publish: *Provided, however,* That such scheme shall not reserve more than twenty per cent: said Managers shall have power to appoint a Clerk or Clerks, and any other officer or officers, necessary to conduct said Lottery, all of whom, before they shall enter upon their respective duties assigned them by the Managers aforesaid, shall take an oath before some Justice of the Peace faithfully and honestly to discharge the same.

Sec. 3. That said Managers shall, within ninety days after the drawing said Lottery, or any class thereof, pay over to the Trustees of the town of Frankfort, all sums of money which may fall due, and come to their hands in consequence of the drawing of said Lottery, after all prizes shall have been paid.

Sec. 4. That the said Managers shall be and they are hereby authorized to sell and dispose of the scheme, or any class or classes of said Lottery, to any person or persons who shall enter into bond to the Commonwealth of Kentucky, with good security, with condition well and faithfully to comply with all the terms and provisions of this act, which bond or bonds shall be received by said Managers, and be by them filed in the Clerk's office of the Franklin County Court, before said Lottery, or any class thereof, shall be drawn; *Provided,* That such sale or sales shall not be made of any class or classes for less than ten per cent, on the amount proposed to be drawn: *Provided, also,* That nothing in this act contained shall be so construed as to repeal any provision of the general law of this Commonwealth against establishing Lotteries within this State.

Sec. 5. That if any of the persons appointed as Managers,

Bond to be entered into.

Duty of the managers.

Proviso.

Powers of managers.

Amount raised to be paid over to trustees.

May sell lottery, bond to be taken from purchaser.

Proviso.

1838.

Vacancies,
how filled.

by the first section of this act, shall refuse to serve, fail to qualify, or after having qualified, resign, the remainder of said Managers shall have power to select another individual or individuals to fill the vacancy so occurring and produced by any of the causes aforesaid, or any other cause.

Approved February 1, 1838.

CHAP. 704—AN ACT to incorporate the Harlan Museum Company.

WHEREAS, the Louisville Museum Company, incorporated by an act of the General Assembly of the State of Kentucky, approved February 20th, 1835, having become embarrassed in its affairs and having had its effects—namely, the articles composing the Museum—levied on for rent, and other charges, the same having been sold to satisfy such demands, were purchased by the present proprietors and placed in the hands of Trustees, with the intent of continuing the establishment on its original design, and for the purpose of its original institution without individual emolument or remuneration, but for the benefit of the public and honor of the city of Louisville; and that the original founders and subscribers, who have complied with the terms of subscription, may continue to have their rights in the same, the said Trustees, for the purpose aforesaid, are desirous of obtaining an act of incorporation to carry into full effect the purposes of the trust—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James C. Johnston, James Marshall, Nathaniel Hardy, Samuel Cassedy, George Keats, James Rudd, and S. Penn, Jr., with their associates, shall be and they are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the "Harlan Museum Company;" by which name they shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in any court of record in this Commonwealth, or elsewhere; and shall be competent, in law or equity, to take and to hold, for themselves and their successors, for the use and benefit of said Museum, lands, tenements, hereditaments, goods and chattles, of whatsoever kind, nature or quality, real, personal or mixed, by gift, grant, bargain, sale, conveyance, assurance, will or bequest, from any person or persons whomsoever, capable of making the same, and the same again to sell, demise or dispose of, for the use of the said Museum; and to rent, purchase or erect such buildings or place of exhibition as may be necessary or proper, and generally to do all and singular the matters and things which shall be lawful for them to do for the success of said Museum, and the due management of the affairs thereof.

SEC. 2. That the capital stock of this company and corporation shall be two hundred thousand dollars, to be divided

Corporators
names; name
and style, and
corporate pow-
ers

into shares of fifty dollars each, which may be sold from time to time, as the Trustees shall direct; and shall be transferable on the books of the company to be kept for that purpose, by the holders, or by altering, in the presence of the managers of the company.

SEC. 3. That a general meeting of the stockholders shall be held at the Museum on the first Monday in January, in each and every year, hereafter, at such hour as shall be designated by the Trustees—of which ten days notice shall be given in one of the daily newspapers printed in the city of Louisville—where and when an election shall be made of seven Trustees, to serve one year next succeeding said election: *Provided, however,* That the seven persons named in this act shall serve as Trustees until the first Monday in January, 1839, and until others are elected in their places. In all such elections, one share shall be entitled to one vote, to be given by the holder thereof, or his proxy; and if, by any neglect or accident, an election should not be made on the day designated, the Trustees in office shall retain their places until the next ensuing day of election, and the corporation shall not, from that cause, be dissolved; and in case of a vacancy in the Board of Trustees, the remaining Trustees may elect another stockholder or stockholders to fill the same, which shall be as valid as if elected by the stockholders at the stated time herein named.

SEC. 4. That the Trustees shall have power, from time to time, to make all necessary by-laws, rules, and regulations, for the good government of the said Museum, and the management of its fiscal concerns, as circumstances may require; *Provided,* That the said by-laws, rules, and regulations, shall be compatible to the laws and constitution of the United States and State of Kentucky, and within the privileges granted by this act.

SEC. 5. That no misnomer of said corporation shall defeat or annul any gift, grant or bequest to this company.

SEC. 6. The said Trustees shall have power to appoint a Manager of said Museum, for such term, and on such conditions, as to them may seem most conducive to the interests of the corporation and accommodation of the public, and at their discretion to dismiss such Manager, and appoint others as often as they may deem proper.

SEC. 7. That it shall not be lawful for the said Trustees or Stockholders of said corporation, at any time, to remove, or cause to be removed, the said Museum, or any part thereof, from the city of Louisville, under the penalties of forfeiting to the corporation of said city, double the amount in value of the articles so removed, to be recovered from any one or more of the Trustees or Stockholders who shall have consented to, and authorized such removal.

SEC. 8. That the Trustees, aforesaid, shall call special meetings of the Stockholders whenever a majority of the Board shall deem it expedient, or whenever requested, in writing, by any

1838.

Amount capital stock.

General meeting of Stockholders.

May pass by-laws.

May appoint manager.

Restrictions upon the corporation.

Special meetings may be called.

1838.**Reservation.**

number of shareholders who shall collectively be proprietors of at least one fourth of the whole number of shares sold and paid for, and the notice of said meeting shall be the same as that prescribed for the annual meetings; and the Legislature reserves to itself the right to alter, modify or repeal this charter at pleasure.

Approved February 1, 1838.

CHAP. 705—AN ACT for the benefit of Abraham Miller.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Abraham Miller, and his wife Barbara Miller, be and the same is hereby forever dissolved, as relates to said Abraham, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved February 1, 1838.

CHAP. 706—AN ACT to incorporate the town of Raywick, in Marion County.

**Town estab-
lished.**

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town of Raywick, in the county of Marion, shall be and the same is hereby established.

Trustees.

SEC. 2. That H. S. Housley, William G. Beckett, Isaac Harris, Richard Watson, and James E. Brown, are hereby constituted and appointed Trustees for said town, who shall continue in office twelve months from and after the first Monday in April next, any three of whom may form a quorum to do business.

**Town to be
laid off and
plotted, and re-
corded.**

SEC. 3. That said Trustees may fix the metes and bounds of said town, with the consent of the proprietors of the lands included, and have the same surveyed and plotted, laid out into streets, and alleys, and cross streets, as they may direct; which plats of the surveys of said town shall be recorded in the Clerk's office of the Marion County Court, within one hundred and twenty days from the passage of this act.

**Free male in-
habitants may
elect trustees.**

SEC. 4. That it shall and may be lawful for the free male inhabitants of the town of Raywick, who shall have attained the age of twenty one years, and who are entitled to vote for county representatives, and all other male persons who may have attained the aforesaid age, (negroes, mulattos and Indians excepted,) who own a town lot or lots in said town, to meet at some convenient house in said town, on the first Monday in April 1839, and on the first Monday in April in every year thereafter, and elect five Trustees for said town, to serve for one thereafter, and until their successors are duly elected.

**Qualification
of a trustee.**

SEC. 5. That no person shall be elected a Trustee, or qualified to act as such, unless he shall have attained the age of

twenty one years, and resided within the limits of said town, and be the owner of real property in said town.

SEC. 6. That the Trustees appointed by this act, and their successors hereafter to be elected, before they act as such, shall take the following oath, to be administered by any Justice of the Peace: "You do swear (or affirm, as the case may be,) that you will well and truly discharge the duties of a Trustee of the town of Raywick, and that you will so far as comes within your knowledge, cause all persons to be proceeded against who violate the by-laws or ordinances of said town of Raywick, without favor, partiality or affection."

SEC. 7. That if the citizens of said town shall, at any time hereafter, fail to have an election on the day appointed by this act, that then, and in that case, the Clerk, or any Trustee, may, by giving ten days previous notice, have an election held for Trustees, which shall be as legal as though it had taken place on the day herein appointed.

SEC. 8. That the said Trustees shall, on the first Saturday after their election, meet at some convenient house in said town, and at such other times and places as they may think necessary for the internal policy of said town; and that they shall, at their first meeting, choose a President of the Board, who shall hold his office until the next annual election: they shall, also, appoint one of their body a Treasurer, who shall, before he enters on his duties, give bond and security, payable to the President and his successors, in the penalty of three hundred dollars, conditioned for the faithful discharge of his duties as Treasurer; and the said Treasurer shall receive from the collector of the tax all moneys collected by him for town tax, or fines, and shall pay the same over to the order of the Board; and upon his failing or refusing to do so, the President may cause application to be made to the Marion County Court to render judgment against said Treasurer, and his securities, for the amount of money in his hands; and the said County Court is authorized, upon ten days notice having been given to said Treasurer, and his securities, to enter a judgment against them for the amount of money which shall appear in the hands of said Treasurer, with thirty per cent thereon, damages and costs of the motion, and execution shall issue on said judgment forthwith, endorsed that no security of any kind shall be taken. The Trustees shall, at their first meeting, appoint a Clerk, who shall hold his office until the next annual election, but for good cause may be removed; and the Clerk, so appointed, before he enters upon the duties of his office, shall take an oath to be administered by the President of the Board, that he will, to the best of his skill and ability, make true entries, and that he will safely keep the books and papers given him in charge.

SEC. 9. That the said Trustees shall have power to appoint an Assessor, annually, who shall be sworn to the faithful and impartial discharge of his duty. It shall be the duty of the Asses-

1838.

Oath of trustees.

Clerk may hold the election.

Trustees to meet and appoint officers.

Duties of the officers appointed.

Penalty against Treasurer for failing to pay over fines.

Assessor to be appointed, and his duties and powers.

1838.

sor to make out and furnish to the Trustees, at such times as they may appoint, lists of the taxable property of each individual in said town, with the value attached thereto; and, also, a list of the lots, and the value thereof, which belong to individuals who do not reside in town. The Trustees shall, also, have power to appoint a Collector, annually, to collect the taxes assessed on the taxable property and tythes in said town, who shall give bond and security to the Trustees of said town for the faithful performance of his duty; and the said Collector shall have power to make distress and sale, if necessary, in the same manner as is now authorized by law, in regard to Sheriffs in collecting the revenue and county levy in this Commonwealth; and said Trustees shall allow to said Assessor and Collector an adequate compensation for their services. They shall, also, allow their Treasurer and Clerk such compensation for their services as they may deem reasonable and just.

Trustees may
enact by-laws.

And levy a
tax.

SEC. 10. That the said Trustees may enact such by-laws and ordinances, not contrary to the constitution and laws of this Commonwealth, as they, in their discretion, may deem most expedient for the government of said town; and to impose fines and forfeitures for all breaches of the same. They shall, also, have power, annually, to lay and levy a tax on the inhabitants and real property of said town, provided the same shall not exceed fifty cents for each hundred dollars worth of real property, with a poll tax not exceeding one dollar and fifty cents, for each tytheable; and the said Trustees shall have power to purchase or sell, and convey the titles to any lots in said town, in whom the same shall, upon their appointment, be vested; and to contract and be contracted with, to sue and be sued, plead and be impleaded, and to do all and singular the acts and things in their corporate capacity, concerning the premises, which individuals might lawfully do.

May tax
shows, &c.

SEC. 11. That the Trustees of the town of Raywick shall have jurisdiction for one half mile in all directions from the town limits, over all shows and showmen of all descriptions, pedlars and auctioners, and all exhibitions and performances, where money is charged for admittance for a sight thereof, under such penalties as they may choose to impose; and it shall be the duty of all Justices of the Peace, in Marion county, to take jurisdiction of all offences against the provisions of this act; or against the laws and ordinances of the Board of Trustees, made by authority thereof, and to render judgment and award execution thereon; and all fines and penalties imposed by this act, or by the by-laws and ordinances of the Board of Trustees of the town of Raywick, shall be recoverable in the name of the Trustees of said town, and shall be applied by them in such manner as they may deem of the most importance to the general welfare of the citizens and the improvement of the town.

SEC. 12. That in all elections for Trustees of the town of

Raywick, voters, entitled to vote for the same, shall give their votes *viva voce*, the President of the Board and some Justice of the Peace to be the presiding officers; and so soon as the election is held, and over, the presiding officer shall return the polls to the Clerk of the Board, certifying to him who have received the highest number of votes polled at the said election, and who is, thereby, duly elected; and the said Clerk shall copy said polls into a book, to be kept by him for that purpose, and give notice, in writing, to each person elected as Trustee, of his election.

1838.

Election of Trustees, how conducted.

SEC. 13. That in case of the death, resignation, or removal, of any of the Trustees, or their successors, the remainder of said Trustees shall have power to fill such vacancies, who shall hold their office until the next annual election.

Trustees may fill vacancies.

SEC. 14. That no Trustee of said town shall, by himself, contract for, or procure any other person to contract for him, for any public work let out or disposed of by the Board during his continuance in office.

SEC. 15. That the Trustees of said town may appoint a town Sergeant, who, upon oath, shall be required to give notice to some one member of the Board, of all persons who commit a breach of the laws or by-laws of said town, and whose duty it shall be to see that the provisions of this act, and the regulations made in pursuance thereof, is carried into effect; and the said Trustees shall allow him compensation for his services.

Appoint a town sergeant.

Approved February 1, 1838.

CHAP. 707--AN ACT to establish and incorporate the town of Oak Grove, in Christian County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Gordon, Francis F. Buckner, Garrett Meriwether, Thomas Waggener, and John Moore, be and they are hereby constituted Trustees for the town of Oak Grove, which they are hereby authorized to lay off and establish on the farm of Samuel Gordon, in Christian county; and they, and their successors, shall be a body corporate, with perpetual succession, by the name and style of the Trustees of the town of Oak Grove, and by that name and style shall be capable of contracting and being contracted with, and of suing and being sued, and of making all such needful by-laws and regulations, for the grading and repairing the streets and alleys of said town, and the good order and government of the citizens thereof, which they may deem reasonable and proper to effect that object.

Trustees appointed.

SEC. 2. That the Trustees of said town shall have power to receive a conveyance, by donation or purchase, of any lot or lots of ground in or near said town for the purpose of erecting a school house, meeting house, or other necessary or needful

May receive and hold real estate for certain purposes.

1838.

public buildings, and may order, provide for, and contract for their erection.

Shall keep a record of proceedings.

Shall cause a plat of the town to be made and recorded.

May levy a tax.

Trustees to be elected and vacancies filled

SEC. 3. That said Trustees shall have the right, and it shall be their duty, to keep a record of their proceedings; and cause a survey and map of said town to be made, designating the boundaries, streets, alleys, and the numbers of the lots, and cause the same to be recorded in their record book, and, also, in the Clerk's office of the County Court of Christian; and they and their successors shall have the right and power to levy a tythe tax on the tythables in said town, not exceeding one dollar per annum, and an *ad valorem* tax on the real and personal estate in said town, liable to the State revenue, not exceeding thirty cents on the hundred dollars' worth of property, and to appropriate the same towards the improvement of said town.

SEC. 4. That the free white male inhabitants in said town shall have the right to meet, annually, on the second Monday in April of each year, at some public place in said town, to be designated by the Trustees, and, under the direction of two Trustees named by them, choose five Trustees for said town, who shall hold their office for one year and until their successors shall be chosen; and the Trustees of said town may supply any vacancy which may arise in their own body, until the next annual election; and the Legislature reserves the right to repeal or modify this act.

Approved February 1, 1838.

CHAP. 708—AN ACT to legalize the proceedings of the County Court of Hardin, in regard to surveys and sales of vacant lands made in said County.

WHEREAS, it is represented to the present General Assembly that the County Court of Hardin, acting under a misconstruction of the law, approved February 28th, 1835, appropriating the vacant lands in this Commonwealth, north and east of the Tennessee river, to the counties in which they lie, for the purpose of internal improvement, have, in many instances, upon application being made to them by persons to purchase portions of the vacant and unappropriated lands in said county, appointed the Surveyor of said county, or some one of his deputies, Commissioner, to value so much of said lands as might be surveyed by him for any individual, and required him to report the value, per acre, thereof to said court; but before the reports were returned by said Commissioners, the court revoked the order under which said Commissioners acted; hence many persons have been put to considerable trouble and expense, and cannot obtain a patent for those lands which have been surveyed and set apart for them by the aforesaid proceedings of the County Court—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Hardin shall receive the reports of the Commissioners named in the preamble, provided they be made pursuant to the order by which they were directed; that when the applicant, for whom any survey of land may have been made as mentioned in the said preamble of this act, shall pay, or cause to be paid, to the county Treasurer of said county, the full price for the land named in the said Commissioner's report, provided it be not less than five cents per acre, and shall produce to the Court the Treasurer's receipt for the amount of money so paid, the said court shall then order said survey to be recorded, and direct a copy of the order and survey to be certified by the Clerk of said court; and the Clerk shall deliver such certified copy of the order and survey to the purchaser; and such survey, delivered to the Register, shall be his authority to issue a patent to the purchaser, and such proceedings shall be good and valid to all intents and purposes, any law to the contrary notwithstanding.

1838.

Duty of county court.

Price of land to be paid.

Register to issue patents.

Approved February 1, 1838.

CHAP. 709—AN ACT allowing to David Bailey a change of venue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the calling of the indictment now depending in the Warren Circuit Court, against David Bailey, for murder, at the next term of said court, it shall be lawful for said Bailey to elect to be tried in the county of Logan; and upon his making said election, it shall be the duty of the Judge of the Warren Circuit Court, to cause the consent and election of said Bailey to be entered on the record of the Warren Circuit Court, and, thereupon, the Judge of said court shall order said Bailey to be transferred to the jail of Logan county; and the Clerk shall transmit to the Clerk of the Logan Circuit Court all papers connected with said prosecution, with a copy of all the orders of the court made in relation thereto.

May elect to be tried in Logan.

Power and duty of Judge.

SEC. 2. That in case the said Bailey shall elect to be tried in the county of Logan, then the Logan Circuit Court shall have power and jurisdiction to try said Bailey for the offence with which he now stands charged, as fully as if said offence had been committed in the county of Logan: and shall have power to cause an indictment to be filed, to issue process to compel the attendance of witnesses; and to exercise all the powers given to Circuit Courts in relation to criminal trials, as fully as if the said court had original jurisdiction of the case; and in case the indictment should be quashed on account of any irregularity, or other defect, then the said Logan Circuit Court shall have power to empanel a grand jury for the

Logan circuit court to have jurisdiction.

New indictment may be found.

1838.

purpose of finding a new indictment, it being the intent and meaning of this act, that in no event shall the said Bailey be discharged for any irregularity, but that a trial shall be had on the merits: *Provided, however,* That nothing herein contained shall be construed to deny to said Bailey the privilege of being bailed, should a court of competent jurisdiction to grant bail, believe that the offence is bailable.

Approved February 1, 1838.

CHAP. 710—AN ACT for the benefit of Charles N. Talbot and William H. Talbot, infant devisees of Dreury Ham, deceased.

Guardian
may file peti-
tion.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the guardian of Charles N. Talbot and William H. Talbot, infant devisees of Dreury Ham, deceased, to file a petition in the Lincoln Circuit Court, praying for the sale of the real estate devised to said infants, by said Dreury Ham, being an undivided fifth of a tract of land, lying in Lincoln County on the waters of Buck creek; and if it shall appear to the satisfaction of said court that a sale of the interest of said infants, in said land, would redound to their interest, it shall be lawful for the Judge of said court to decree a sale of said land, upon such terms and conditions as he may deem just and proper.

Power and
duty of the
court.

SEC. 2. That said court shall have full power and authority to appoint a Commissioner to carry said sale into effect, and to convey the legal title to the purchaser; and to require of said Commissioner, and of the guardian of said infants, such bond or bonds, with security, as may be deemed necessary, to secure to said infants the proceeds of said sale, and the faithful application of the same; and to make all such further orders and decrees as may be consistent with the rules and principles of proceedings in courts of chancery.

Approved February 1, 1838.

CHAP. 711—AN ACT for the benefit of Samuel Ash, and the heirs of Daniel McNeill, deceased.

May file pe-
tition.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Samuel Ash, of the County of Hardin, to file his bill or petition in the Hardin Circuit Court, making the heirs, representatives and administrators of Daniel McNeill defendants thereto, setting forth in said bill that the said Samuel Ash had purchased, by parol, and paid said McNeill for three acres and three quarters of land, situate and lying in the County of Hardin, on the Buffaloe fork of Valley creek, and being part of the tract of land of which said McNeill died seized and possessed.

SEC. 2. That upon the filing of said bill, and upon the return of process served upon the defendants, if it shall be made appear to said court that said sale was made, and the purchase consideration paid, and that it will be beneficial to said heirs to affirm said contract, it shall be the duty of said court to enter up a decree against said heirs for a conveyance of said land to said Ash, by the adults in their own proper persons, and by a Commissioner for and on behalf of the infants, as well as the adults on their failure, which said deed, to all intents and purposes, shall pass the title to said Ash.

Approved February 1, 1838.

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Power & duty of the court.

CHAP. 712—AN ACT for the benefit of John S. Lander, and the heirs of Dawson Haggard.

WHEREAS, it is represented to the present General Assembly, that John S. Lander, and Dawson Haggard, about ten years ago, made an exchange of land, by parol, and that possession was given by each party of the land exchanged, and that before said contract was consummated by the execution of deeds of conveyance; and the said Haggard departed this life intestate, leaving several children as his heirs and representatives, who are yet infants; that said Lander and Charity Haggard, the widow of said deceased, hath petitioned the Legislature praying that said verbal contract be confirmed—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the filing of the bill in chancery of said Lander, either in the Christian or Trigg Circuit Court, alledging these facts, and making the heirs of said Haggard defendants thereto, and upon the same being brought to a hearing in either of said courts, by an observance of the rules of chancery practice, if it shall appear to the Chancellor of said court that it will redound to the interest of said infants, be and he is hereby authorized to decree that said parol contract be confirmed, and make such orders and decrees as shall seem necessary to carry the same into execution.

Approved February 1, 1838.

May file bill in chancery.

Power and duty of the court.

CHAP. 713—AN ACT for the benefit of Simeon Haydon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Simeon, the illegitimate child of William Haydon and Margaret Markland, shall hereafter bear the name of Simeon Haydon, and shall be entitled to all the rights, privileges and immunities of a legal heir, and shall

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receive, hold and enjoy property, either real, personal or mixed, by descent or otherwise, from father or mother, as though he had been born in lawful wedlock.

Approved February 1, 1838.

CHAP. 714—AN ACT for the benefit of Samuel Grisham, of Christian County.

WHEREAS, Samuel Grisham, of Christian county, carried a lunatic from said county of Christian to the Lunatic Hospital at Lexington, and inasmuch as the Commissioners of the Hospital refused to admit said lunatic into the said institution, on account of some technical defect in the condemnation, and, also, refused to compensate said Grisham for conveying said lunatic to Lexington, as aforesaid; and said Grisham, before said lunatic could be received, was compelled to sue out a new writ *de lunatico inquirendo*, and hold an inquest in Fayette county—therefore, for the purpose of compensating said Grisham for conveying Herndon Hill, a lunatic from Christian county, to the Lunatic Asylum under a defective condemnation—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be and he is hereby directed to issue his warrant on the Public Treasury for the sum of sixty dollars, in favor of Samuel Grisham, of Christian county, and the Treasurer is hereby directed to pay the same.

Approved February 1, 1838.

CHAP. 715—AN ACT for the benefit of the Administrator of George C. Goodridge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the provisions of an act for the benefit of the administrators of George C. Goodridge, approved 29th January, 1836, shall be in full force, and confer all the powers therein conferred upon Jesse Shachlett and Fanny Goodridge, upon Collins Fitch, administrator *de bonis non*, of said George C. Goodridge; and he is required to institute proceedings as therein mentioned, and in every other respect comply with the provisions and requisitions of the said act; and the same shall be construed to include all the lands owned by said heirs in any county in this State.

Approved February 1, 1838.

CHAP. 716—AN ACT for the benefit of the Sheriff of Bath County.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Bath county shall have until the first day of March next to return his delinquent list of revenue tax for the year 1836, and, also, his delinquent list for the year 1837; and that the Auditor of Public Accounts, upon said lists being returned, legally certified from the County Court of Bath county, is hereby directed to issue his warrant upon the Treasurer for the respective amounts of each list; and the Treasurer is then directed to pay the same out of any money in the Treasury not otherwise appropriated.

Approved February 1, 1838.

CHAP. 717—AN ACT to extend the Spring Term of the Russell Circuit Court, and to change the Spring Term of the Casey Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the spring term of the Russell Circuit Court, which commences on the Monday succeeding the fourth Monday in April, shall continue twelve juridical days, if the business of the court shall require it.

SEC. 2. That the spring term of the Casey Circuit Court, which commences on the second Monday in May, shall hereafter commence on the third Monday in May, and set six juridical days, if the business of the court shall require it.

Approved February 1, 1838.

CHAP. 718—AN ACT to legalize the proceedings of the Trustees of the town of Owingsville.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the Trustees of the town of Owingsville did, on the 8th day of January, 1838, make an order permitting James Sudduth to close certain streets within said town, and there being doubts whether said Trustees had, by law, power to make said order—to remove which,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said act, of said Trustees, be and the same is hereby declared to be as binding and effectual, to every intent and purpose, as though the same had been done in conformity with a special law on that subject.

Approved February 1, 1838.

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CHAP. 719—AN ACT adding a part of Caldwell County to Livingston County, and for other purposes.

Boundary of
territory added

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Livingston county line shall be extended, so as to include the persons residing in the following boundary, to-wit: beginning on the bank of the Cumberland river opposite the mouth of Livingston creek; running up the Cumberland river to the narrows; thence across to the Tennessee river; thence down said river to the Livingston line, and with the said county line to the beginning, shall, hereafter, constitute a part of the county of Livingston.

SEC. 2. That all persons who are qualified voters, and who reside within said boundary, as aforesaid, may vote at the court house or any of the precincts in said county.

SEC. 3. That the county of Livingston shall be entitled to an additional Justice of the Peace.

Approved February 1, 1838.

CHAP. 720—AN ACT for the benefit of Henry Rowland.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Henry Rowland purchased, out of the limits of this State, a negro boy slave for his own special use, and at the time thereof was unapprized of existing laws prohibiting him from bringing said boy into this State, and the said Rowland expresses great desire, from personal attachment to said boy, to retain him—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the purchase and importation of said negro boy Moses, by the said Henry Rowland, be and the same is hereby legalized; and that said Rowland is hereby released from any fine or penalty imposed by law upon such purchase and importation.

Approved February 1, 1838.

CHAP. 721—AN ACT for the benefit of William Martin, Jr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Martin, jr., of the county of Monroe, be and he is hereby permitted to bring into this State a negro man by the name of Daniel, now the property of a Mr. Shoot, living in Tennessee, provided that he shall purchase said negro; and in the event he shall bring said negro into this State, he is hereby released from all penalties mentioned in the laws of this Commonwealth against importing slaves into the same.

Approved February 1, 1838.

CHAP. 722—AN ACT for the benefit of the Jailer of Henry County.

1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Jailer of Henry county to reside any where within the limits of the town of New Castle.

Approved February 1, 1838.

CHAP. 723—AN ACT for the benefit of the town of Middletown, in Jefferson County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the voters of Middletown, in Jefferson county, Kentucky, for some years past, have failed to elect Trustees for said town, as directed by law—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the voters of said town of Middletown shall, on the second Monday in March 1838, meet at the house of John Brengman in said town, proceed to elect five Trustees for said town, who shall hold their offices until their successors are duly elected, and the said election shall be conducted under the direction of William R. Vance, or some other Justice of the peace for said county, who shall act as Judge therein.

May proceed
to elect trustees

SEC. 2. That should the voters of said town of Middletown, at any future time fail to elect Trustees, as prescribed by law, then the Trustees of the previous year shall continue in office until their successors shall be elected; and all future elections for Trustees of said town of Middletown, shall be conducted under the direction of some Justice of the Peace for Jefferson county, who shall act as Judge therein.

On failure to
elect Trustees,
those in office
to continue.

Approved February 1, 1838.

CHAP. 724—AN ACT for the benefit of the Administratrix and heirs of William A. Shirley, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that William A. Shirley hath departed this life intestate; that he owned, at the time of his death, some personal estate, and a tract of land in the county of Barren, containing about one hundred and seventy seven and a half acres; that he was very much indebted, and that his widow, Harriet H. Shirley, hath taken out letters of administration upon the estate of her deceased husband; and that the whole of his personal estate has been exhausted in the payment of his debts, and that a considerable amount remains yet unpaid; that in order to raise the means to discharge the

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debts against said estate, she made a contract with one David Lock, for the sale of said tract of land, at and for the sum of fourteen hundred and twenty seven dollars, and delivered possession thereof; that the said Lock, because of the inability of the said Administratrix to convey the title, still holds the possession and refuses to pay the purchase money—wherefore,

Administratrix may file a bill.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Administratrix of the said William A. Shirley, deceased, to file her bill in chancery, in the Barren Circuit Court, against the heirs at law of said decedent, alleging the insufficiency of the personal estate to pay the debts of said decedent, and that it will be beneficial to the heirs at law of said Shirley that the contract, made by his Administratrix, for the sale of the tract of land in said county, owned by said decedent at the time of his death, should be confirmed, and the proceeds of the said land be appropriated to the payment of the debts of said decedent.

Duty of the administratrix.

Duty of the court.

SEC. 2. That the said Administratrix shall accompany the said bill with a settlement of her accounts, showing the disposition of the personal estate of her said intestate, and the amount yet due by the said estate; and if, upon the hearing of said cause, the Judge of said court should be of opinion that it will be beneficial to the heirs of said Shirley to confirm the contract made by his widow and Administratrix, for the sale of the said tract of land, he is hereby vested with full jurisdiction and authority to confirm the same, and to make all necessary orders and decrees to assure to the purchaser the title thereto.

Court may direct a sale.

SEC. 3. That if the Judge of said court, upon the hearing of the said cause, should be of opinion that the interest of the heirs at law of the said William A. Shirley, would be promoted by directing a sale of the said tract of land, he is hereby vested with full power and jurisdiction to decree a sale of the same; and to make all orders necessary to carry his decree into full and complete effect; and that the said cause may be heard and determined at the first court after filing the said bill, provided the heirs at law of the said decedent shall have had reasonable notice thereof.

Widow's dower not to be sold.

Provido.

SEC. 4. That nothing in this act contained shall be construed to authorize the sale of the dower of the widow of said Shirley, in the said tract of land, without her consent: *Provided*, That, before rendering a decree, the court shall require from said Administratrix bond, with good security, for the faithful application of the proceeds of said land.

Approved February 1, 1838.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present, and those who may hereafter become, members of the Georgetown Lyceum, and their associates and successors, be and are hereby made and constituted a body politic and corporate, by the name and style of the "Georgetown Lyceum," and by that name shall have perpetual succession, and are hereby made able and capable to have, purchase, receive, possess, enjoy, and retain, to them and their successors, such tenements, goods, and effects, as they may deem necessary for the advantage of such society, and for the promotion of literature, the fine arts and the dissemination of knowledge, the same to sell, grant and dispose of at pleasure; provided, that the Legislature reserve the right to repeal, amend or modify this charter at pleasure.

Name and style, and corporate powers.

Proviso.

SEC. 2. That the said Georgetown Lyceum is hereby empowered to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in this Commonwealth; and shall be and is hereby vested with all privileges and powers which, by law, are incident to corporations of a similar character; also, to make, have, and use, a common seal, and the same to break, alter or renew at pleasure; also, to form, establish and put in execution, such by laws, ordinances, and regulations, as shall be necessary and convenient for the government of said corporation, and which are not contrary to the constitution and laws of this Commonwealth; and generally to do and execute all and singular the acts necessary to carry into effect the objects of this charter.

May sue and be sued.

May establish by-laws.

SEC. 3. That the members of said society, on the first Monday in March, in the year one thousand eight hundred and thirty eight, and at such other times as shall be prescribed in its by-laws, shall meet and elect a President, Secretary, Treasurer, and such other officers, as the society may think proper for the government thereof; whose terms of office shall be limited to such times as shall be hereafter specified in the laws and regulations governing the same.

May elect a President and other officers.

SEC. 4. The President elect, for the time being, shall have power, and is hereby authorized to appoint, from time to time, committees, officers, and agents, as shall be necessary and convenient to carry into effect the objects for which this corporation is established; and to levy and collect taxes, fines, forfeitures, and contributions, agreeably to the laws of said society—a majority of the members, at any one time belonging to the society, shall constitute a quorum.

May appoint committees, &c.

May levy a tax.

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CHAP. 726—AN ACT to incorporate the Kentucky Association for the improvement of the breeds of stock.

WHEREAS, it is represented to the General Assembly that an Association has been formed, of fifty shareholders, for the improvement of the various breeds of stock, and for their purposes have purchased a tract of land near Lexington, Kentucky, which has been conveyed to Trustees chosen by said Association, as will appear by various deeds of record in the Clerk's office of the Fayette County Court, and, also, have acquired a small amount of personal property; but that owing to the death of some of the Trustees the title to their property has become embarrassed, and from the number of persons interested it is difficult to remedy inconvenience and embarrassment as they arise, and, therefore, they desire perpetual succession—which is deemed reasonable—therefore,

Corporate powers, and name & style.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said fifty shareholders, of said Association, be incorporated, and they are hereby created a body politic and corporate, by the name and style of "the Kentucky Association for the improvement of the breed of stock," and by that name shall have perpetual succession, with the powers incident to corporations for limited purposes.

Property vested in corporation.

SEC. 2. That all the property purchased by said Association and conveyed to the Trustees thereof, shall be and is hereby vested in said corporation; and that said corporation shall be authorized to purchase, acquire and hold real estate, provided the same, at no one time, exceed two hundred acres; and to receive and hold personal estate, provided the same, at no one time exceeds twenty thousand dollars in value; and said real and personal estate may sell, alien and convey.

May hold real and personal estate.

May elect officers.

SEC. 3. That the shareholders of said corporation shall have power to elect such officers as may seem to them necessary for the management of their concerns; and by their rules and by-laws prescribe the duties of said officers, and the regulation of their concerns.

Shares deemed personal estate.

SEC. 4. That shares in said corporation shall be deemed personal estate, and transferrable in such manner as said corporation shall, by its rules and by-laws, prescribe.

Approved February 1, 1838.

CHAP. 727—AN ACT for the benefit of the Sheriffs of Livingston, Ohio and Gallatin Counties.

Sheriff of Livingston.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Livingston county have until the first day of May, 1838, to return his delinquent list of revenue tax, for the year 1837, to the Auditor of Public Accounts; and upon the return thereof, it shall be the duty of the Auditor to issue his warrant on the Treasury for

the amount thereof, which shall be paid out of any money in the Treasury not otherwise appropriated.

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SEC. 2. That the County Court of Livingston county shall, at their next January, March or April term, receive and certify said delinquent list in the same manner as if the same had been returned at the time as is now directed by law.

SEC. 3. That the Sheriff of Ohio county shall have until the first day of March 1838, to return his delinquent list for the year 1837; and upon the return thereof to the Auditor, he is directed to issue his warrant for the amount thereof on the Treasurer, whose duty it shall be to pay the same over to him, any law to the contrary notwithstanding.

Sheriff of
Ohio.

And, whereas, the Sheriff of Gallatin county did, on the day required by law, return to the County Court his delinquent list for the year 1837, but failed to make his return to the Auditor of Public Accounts in due time—therefore,

SEC. 4. *Be it further enacted*, That said Sheriff of Gallatin county be and he is hereby given further time, until the first day of February 1838, to return said delinquent list to said Auditor; and, thereupon, the said Auditor is hereby authorized to give said Sheriff a credit for the amount of said delinquent list.

Sheriff of
Gallatin.

Approved February 1, 1838.

CHAP. 728—AN ACT for the benefit of Abraham Vandipool, of Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Asylum for teaching the deaf and dumb, shall be and they are hereby authorized to admit Abraham Vandipool, a deaf and dumb youth of the county of Rockcastle, as a pupil in said institution, in the same manner, under like restrictions, and upon the same conditions as other pupils from this State are admitted into said institution.

Approved February 1, 1838.

CHAP. 729—AN ACT to legalize the proceedings of the Court of Assessment of the 104th Regiment of the Kentucky Militia, for the year 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the late proceedings of the Court of Assessment of the one hundred and fourth Regiment of Kentucky Militia, at their session in the year 1837, be and the same is hereby declared as good and valid as if said court had held their court on the day designated by the late act of Assembly.

Approved February 1, 1838.

1838.

CHAP. 730—AN ACT to authorize the Register of this Commonwealth to receive and register certain surveys made in this Commonwealth in the year 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be and he is hereby authorized and required to receive into his office and register all surveys made in this Commonwealth in the year eighteen hundred and thirty seven, approved of by the several County Courts, and recorded by the Clerks of said courts, and certified by them according to the provisions of an act to appropriate the vacant lands in this Commonwealth, north and east of the Tennessee river, to the counties in which they lie, for the purposes of internal improvement, approved February 28th, 1835: on which surveys grants may issue according to the terms and provisions of the above recited act.

Approved February 1, 1838.

CHAP. 731—AN ACT to regulate the proceedings of the County Court of Perry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Perry county, a majority of all the Justices of the Peace concurring therein, shall have power and authority to appoint two additional Treasurers to sell and dispose of the vacant land in said county, who shall be governed, in all respects, by the existing laws of this Commonwealth, prescribing the mode of disposing of the vacant lands for the benefit of the counties in which they lie; one of which Treasurers shall reside above, and the other below the county seat of said county, so as best to suit the public convenience, and the citizens of said county.

Approved February 1, 1838.

CHAP. 732—AN ACT for the benefit of the heirs of William Steele, deceased.

WHEREAS, it appears to the General Assembly, that William Steele, deceased, by order of the Governor of Kentucky, in compliance with an act of the Legislature did run and mark the line between the States of Kentucky and Tennessee in the year 1825, and return to the Legislature a chart of said line; and that he paid the whole expense of making said survey; and that he departed this life in the year 1826, without having received compensation therefor—therefore,

Money appropriated.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts do, and he is hereby required to issue his warrant on the Treasurer in favor of Samuel Wilson, for the benefit of the heirs of William Steele, deceased, for the sum of eighteen hundred and

sixty four dollars, which appears to be the balance due said Steele for his services, and for the money expended in doing said work; and the Treasurer is directed to pay the same out of any money in the Treasury not otherwise appropriated by law.

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Approved February 1, 1838.

CHAP. 733—AN ACT concerning the Pilots at the falls of Ohio.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the Pilots at the Falls of the Ohio river shall be appointed by the Mayor and Council of the city of Louisville, under the existing laws; and the County Court of Jefferson shall not have or exercise the power and authority of appointing Pilots; and the number of Pilots shall be limited to five.

Approved February 2, 1838.

CHAP. 734—AN ACT for the benefit of James H. Coleman, of the County of Breckenridge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be and he is hereby authorized to issue his warrant on the Treasury in favor of James H. Coleman, of Breckenridge county, for the sum of seventeen dollars thirty seven cents, it being the amount of a judgment rendered by the Breckenridge County Court against said Coleman for failing to list his taxable property, agreeably to law, for the year 1837, and which has been paid by the said Coleman to the Sheriff of said county, and said fine, thereafter, having been remitted by the Governor; and the Treasurer is directed to pay said warrant out of any money in the Treasury not otherwise appropriated.

Approved February 2, 1838.

CHAP. 735—AN ACT for the benefit of John P. Lowry, late Sheriff of Jessamine County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be and he is hereby directed to issue his warrant on the Treasury in favor of John P. Lowry, late Sheriff of Jessamine county, for the sum of five dollars and twenty one cents, for services rendered by him as such, but not allowed upon a settlement of his accounts.

Approved February 2, 1838.

1838.

CHAP. 736—AN ACT to establish a Ferry across the Ohio river at Paducah.

Ferry established and vested in the Trustees.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a public ferry be and the same is hereby established, opposite to the town of Paducah, across the Ohio river to the opposite shore; and that said ferry be and the same is hereby vested in the Trustees of said town, and their successors in office, for the use and benefit of the same; and all profits arising from said ferry, the Trustees aforesaid, shall appropriate to the improvement of said town.

Powers of Trustees.

SEC. 2. That the Trustees of said town shall have full power to lease or rent the ferry aforesaid; *Provided,* That said Trustees shall not be authorized to lease or rent said ferry for a longer term than one year, at any one time; and said Trustees shall not be permitted to lease or rent said ferry privately, but the same shall forever be leased or rented at public auction, or outcry, to the highest bidder, taking bond and good security from any person or persons leasing or renting the same, for the amount, payable to the Trustees of the town of Paducah; and said Trustees, or their successors in office, shall have full power to sue for and recover the same, in the name of the Trustees of the town of Paducah, before any tribunal having jurisdiction of the like amount.

Trustees shall fix rates.

SEC. 3. That said Trustees shall have full power to fix the rates of ferriage for the ferry belonging to said town, which shall be published, or made known, at the time of leasing or renting the same, and the rates thereof shall not be increased nor diminished, during the time for which said ferry may have been leased or rented.

Approved February 2, 1838.

CHAP. 737—AN ACT to amend the act, entitled, an act to amend the law concerning Ferries, approved February 21st, 1837.

WHEREAS, it is represented to the present General Assembly, that the act, entitled, an act to amend the law concerning ferries, approved February the 21st, 1837, operates unequally and oppressively to some of the citizens of this Commonwealth, inasmuch as it is found to be impracticable to use ferry boats in some of the rivers, with hand railing on the sides, on account of the rapidity of the streams, as said boats have to be propelled by means of setting polls instead of oars—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the before recited act as is applicable to Licking river, and all ferries in the counties of Estill, Knox, and Whitley, be and the same is hereby repealed.

Approved February 2, 1838.

CHAP. 738—AN ACT for the benefit of the Trustees and Congregation of the First Presbyterian Church in Louisville, and the Methodist Episcopal Church in Louisville.

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WHEREAS, the Trustees and Congregation of the First Presbyterian Church in Louisville, by suit in the Louisville Chancery Court, against the holders of the legal title of the lot on which the Church of said Congregation was formerly situated, sought to obtain a decree directing the sale of said lot, that the proceeds thereof, together with the avails of a policy of insurance upon said former Church, might be applied towards the purchase of another piece of ground in a more commodious part of said city, and the erection of the necessary buildings thereon; but the said Court refused the relief sought, from a supposed want of power to order the sale of said lot, and by decree ordered a dismissal of the bill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the complainants in said suit, or their survivors, may, by bill in the nature of a bill of review, seek a revision of said decree in said Court; and if it shall, thereupon, appear that such is the desire of a majority of said Congregation, the said Court shall, by decree, empower said Trustees to sell and convey said lot and appropriate the proceeds, together with the avails of said policy, to the purchase of another piece of ground in said city, and the erection thereon of another Church, and other necessary buildings, to be held by said Trustees, and their successors, for the use and benefit of the Presbyterian Sect and Congregation of Christians in Louisville, for the purposes of christian worship.

And, whereas, on the 22d day of September, 1832, Francis Preston, and wife, conveyed to Daniel McAlister, and others, Trustees, the northern sixty feet of lot number ninety three, in Preston's enlargement of Louisville, fronting on the west side of Jackson street, and extending west with a twelve foot alley one hundred and five feet, in trust, that they should erect and build thereon a house or place of public worship for the use of the Methodist Episcopal Church in the United States of America, according to the rules and discipline which, from time to time, may be adopted by the Members and Preachers of said Church at the General Conference; and, in further trust, that they shall at all times forever hereafter permit such Minister and Preacher belonging to the said Church as shall be duly authorized by the General Conference, or Annual Conference, to preach and expound God's holy gospel therein: and, whereas, the Trustees of said Church have caused to be erected on part of half acre lot number two hundred, in said city, on Brook street, a large commodious and plain Church, which is free for the worship of God by any of the Members of said Church in the United States of America, and said Church is not finished, and although liberal subscriptions have been made by the Members of said Church, and others, and the Trustees desire

Bill may be filed.

And decree rendered.

1838.

Trustee may
file a bill.

to sell the lot conveyed by Francis Preston, and wife, as aforesaid, for the purpose of paying the debts contracted in building said Church—therefore,

And court
decree a sale.

Be it further enacted, That it shall be lawful for the said Trustees to file a bill in chancery, in the Louisville Chancery Court, against Mrs. Preston, devisee of Francis Preston, deceased, and against his heirs, and if it shall appear to the Court that the interest of said Church requires a sale of said lot, and that the applying the proceeds to the payment of the debts contracted in building it will not change the object of the trust, but have a house and place of worship as provided in the trust, and that the lot where the house is built are held in the same trust, and the devisee and heirs of Francis Preston do not object, it shall be lawful for the Court to decree a sale of the lot, and cause the proceeds to be applied to the purpose of paying the debts of the Church.

Approved February 2, 1838.

CHAP. 739—AN ACT for the benefit of John G. Stewart, late Sheriff of Clarke County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts is hereby directed to issue his warrant on the Treasury in favour of John G. Stewart, late Sheriff of Clarke County, for the sum of sixteen dollars, the amount of his delinquent list for the year 1837, on his producing said delinquent list, properly certified by the County Court of said County; and that the Treasurer pay to said Stewart the amount of said warrant, out of any money in the Treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That the said Stewart, as Sheriff as aforesaid, may return to the next annual Court of Assessment for the 17th Regiment of Kentucky Militia, upon oath, for their examination, a list of all delinquent fines assessed on said Regiment, in the year 1836, and such of said list as said Court may allow and approve of, the said Stewart shall have a credit for, in his settlement with the Paymaster of said Regiment: *Provided*, That nothing herein contained shall be so construed as to release said Stewart from his legal liability, forthwith, to pay such of the fines assessed in said Regiment in said year as he has heretofore collected.

Approved February 3, 1838.

CHAP. 740—AN ACT to explain the law concerning Affrays, Riots, Routs, and Unlawful Assemblies.

WHEREAS, it is represented that the Circuit Courts do not concur in their decisions as to the discretion of juries in punishing affrays, riots, routs, and unlawful assemblies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the trial of any indictment for any of said offences, it shall be in the discretion of the jury, by their verdict, to award either fine or imprisonment, or both.

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Approved February 3, 1838.

CHAP. 741—AN ACT for the benefit of the Jailer of McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Jailer of the County of McCracken, with the consent of the County Court of said County, to reside at such place in the town of Paducah as may best suit his convenience, any law to the contrary notwithstanding.

Approved February 8, 1838.

CHAP. 742—AN ACT limiting Actions against Sureties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the first day of July, eighteen hundred and thirty eight, sureties, their executors, administrators, heirs, and devisees, shall be discharged from liability on judgments, injunction, appeal, supersedeas, sale, and replevin bonds, and all bonds required to be executed before issuing attachments at law, or in chancery, or *ne exeat*, or bonds for the forthcoming of property, or to abide by, and perform, the decree of any court, or before issuing writs of replevin, or for costs, when seven years shall have elapsed without execution on the judgment, unless delayed by dilatory proceedings on the part of the defendants, or when seven years after the cause of action accrued shall have elapsed, without suit on the bond which is the foundation of the action: *Provided,* That this section shall not be so construed as to repeal or modify the nineteenth section of an act, entitled, an act to amend and reduce into one the execution laws of this State, approved February 12, 1828.

Sureties released when 7 years have elapsed, &c.

SEC. 2. That from and after the first day of July, 1838, sureties, their executors, administrators, heirs and devisees, shall be discharged from all liabilities, to distributees, devisees and wards, on administration and guardian bonds, when five years shall have elapsed without suit after the youngest of the distributees, devisees or wards, have attained full age.

Sureties in guardian bonds &c. released.

SEC. 3. That from and after the first day of July, 1838, sureties, their executors, administrators, heirs and devisees, shall be discharged from liability on all written obligations other than those provided for in the first and second sections of this act, when seven years shall have elapsed without suit after the cause of action accrued on such written obligation.

Sureties in written obligations released.

1838.

Proviso.

Time to be
deducted in
certain cases.And when
the judgment,
&c. has been
reversed or ar-
rested.

SEC. 4. That the provisions of this act shall not apply to obligations heretofore executed, until five years after the passage of this act.

SEC. 5. That in all cases where there is no administration, or executor, authorized to sue, the intervening time shall be deducted from the limitations of this act, and the six months after the qualification of executors and administrators, in which they are not liable to suit, shall be deducted from the limitations of this act.

SEC. 6. That if, in any case, a judgment or decree be given for the plaintiff, or complainant, in any of the cases provided for by this act, and the same be afterwards reversed or arrested, so that the plaintiff or complainant take nothing by their suit, that in all such cases, the party, plaintiff, or complainant, his heirs, executors, or administrators, as the case shall require, may commence a new suit at any time within one year after such judgment or decree be reversed or arrested against the plaintiff, or complainant, and not after: *And, provided,* That if any person, or persons, defendant, or defendants, to any of the aforesaid actions, shall abscond or conceal themselves, or by removal out of the country, or the county where he or they do, or shall reside where such cause or action accrued, or by any other indirect ways or means, defeat or obstruct any person or persons, who have title thereto, from bringing and maintaining any of the aforesaid actions within the respective times limited by this act, that then, and in such case, such defendant, or defendants, are not to be admitted to plead this act in bar to any of the aforesaid actions, any thing in this law to the contrary notwithstanding.

Approved February 8, 1838.

CHAP. 743—AN ACT for the benefit of Joseph McGuire.

WHEREAS, Sandford London, an illegitimate child of Elizabeth London, acquired title to a tract of land in the county of Henry, purchased from Norbon B. Cook, and departed this life intestate, and without children or heirs, and his mother, who had intermarried with one Abraham Little, and her children by said Little, supposing that they were entitled to said land, had sold the same to one Joseph McGuire, who is desirous of having his title confirmed—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the title of the Commonwealth shall be and the same is hereby vested in the said McGuire, and his estate in said land confirmed.

Title of State
released.

Approved February 8, 1838.

CHAP. 744.—AN ACT for the benefit of Eliza B. Langhorn and William Orr.

1838.

WHEREAS, it is represented to the present General Assembly, that on the third day of January, 1783, Francis Smith entered eight thousand acres of land on twenty one treasury warrants, on the head of Locust creek, in the now county of Bracken, then Fayette county, and that the same was regularly surveyed on the second of December, 1785, by a deputy surveyor of Fayette county, yet that the same has not been carried into grant; and, whereas, it also appears that the equitable title to the said land has passed, first, into the hands of Philip Buckner, now deceased, and under him into the hands of many others, of which Eliza B. Langhorn and William Orr are the residuary owners, after satisfying divers purchasers of small tracts holding under said Philip Buckner; and, whereas, it also appears that the said Philip Buckner, and those who claim under him, have had peaceable possession of the same for forty years—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office shall receive and register the certificate of survey of the Surveyor of Fayette county, and forthwith issue a grant for the said eight thousand acres of land to the said Eliza B. Langhorn and William Orr, to hold in the following proportions, to-wit: the said Eliza B. Langhorn the undivided three fourths, and the said William Orr the undivided one fourth, to them and their heirs forever; and that the title thus granted to the said Eliza B. Langhorn and Wm. Orr, and their heirs, shall enure to all others who hold as purchasers under the said Philip Buckner, deceased, or his heirs, or under those who hold as sub-purchasers under said Philip Buckner, to the extent of their several purchases; and the residue to the benefit of the said Eliza B. Langhorn and William Orr, in the proportion aforesaid, provided, that this grant shall not interfere with any prior or better title or claim, in law or equity, to said land.

Register to receive survey and to issue grant.

Better claims not to be affected.

Approved February 8, 1838.

CHAP. 745.—AN ACT to amend an act, entitled, an act to incorporate the Taylorsville and Harrodsburg Turnpike Road Company, and for other purposes, approved 29th February, 1836.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, the company heretofore incorporated to construct a turnpike road from Taylorsville, in Spencer county, to Harrodsburg, in Mercer county, by an act of Assembly, approved the 29th day of February, 1836, shall be forever, hereafter, called and known by the name of "the Taylorsville, Chaplin, Maxville, and Harrodsburg Turnpike Road Company," and by that name and style to exercise all the powers and perform all the duties delegated and requir-

Name of the company changed.

Powers and duties.

1838.

Additional
commiss'rs.

ed of them under the provisions of said recited act; and, in addition to the Commissioners appointed for said-road by the third section of said recited act, that John Henderson, Robert Reed, Spencer Faris, Isaiah Yocum, John Graves, Mountford Peter, and John S. Watts, be and they are hereby appointed as additional Commissioners for the county of Washington.

Route on the
road.

SEC. 2. *Be it further enacted*, That when the Engineer shall proceed to survey and lay off the route, to locate said road, he shall commence at Taylorsville, and survey and lay out the same to the town of Chaplin, in Nelson county, and from thence to Maxville, in Washington county, and from thence to Harrodsburg, in Mercer county; and the said Commissioners, in constructing said road, shall be governed and directed by the route herein designated.

Repealing
clause.

SEC. 3. That so much of the provisions of said recited act, coming within the provisions of this act, be and the same is hereby repealed.

Approved February 8, 1838.

CHAP. 746—AN ACT to authorize and require the Register of the Land Office to receive and register surveys for a certain period.

To receive
surveys for land
east of the Ten-
nessee, if made
prior to 1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Register of the Land Office of the State of Kentucky to receive and register all surveys which have heretofore been made according to the act, entitled, an act to appropriate the vacant lands in this Commonwealth, north and east of the Tennessee river, to the counties in which they lie, for the purpose of internal improvements, approved February 28th, 1835; provided, the said surveys shall not be received by the Register, if made after the first day of January, 1838.

SEC. 2. That, the Register of the Land Office shall issue patents as in other cases he is required to do.

Approved February 8, 1838.

CHAP. 747—AN ACT to incorporate the Hardinsburg Fire and Marine Insurance Company.

Names of
persons incor-
porated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel McClarty, Joseph Allen, Richard M. Wathen, John McClarty, Rowland Hughes, John A. Brown, and James Cox, and their associates, shall be and they are hereby created a body politic and corporate, by the name and style of "the Hardinsburg Fire and Marine Insurance Company," with a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, and by that name and style to sue and be sued, contract and be con-

Style of the
corporation.

tracted with, plead and be impleaded, in all courts; and to make all proper by-laws for the good government of the corporation and the management of its prudential concerns; and to regulate the time of electing officers, and the direction of affairs; and the mode and manner of transferring stock, and of making contracts of insurance; and all other matters and things relative to the business and interests of the corporation; also, to have and use a common seal.

1838.

Powers of
corporation.

SEC. 2. That the management of the business and prudential concerns of this corporation shall be confided to a President and six Directors, and Samuel McClarty shall be the first President, and Rowland Hughes, Joseph Allen, Richard M. Wathen, John McClarty, John A. Brown, and James Cox, shall be the first Directors; and said President and Directors shall keep a record of their proceedings, and proceed, as commissioners, to open books at such time and place as a majority of them shall determine, for the subscription of the stock; and as soon as the whole sum of one hundred thousand dollars shall be subscribed, and ten dollars a share paid, a meeting of the stockholders shall be called by the President and Directors, in the town of Hardinsburg, ten days notice given, when the by-laws of the corporation shall be passed and the corporation go into full and active operation.

First President & Directors.

When to go
into operation.

SEC. 3. That the Hardinsburg Fire and Marine Insurance Company shall have all the power and authority, and be subjected to all the penalties and restrictions, and entitled to all the benefits and advantages that the Louisville Marine and Fire Insurance Company are invested with by their charter, and the amendments thereto, to the same extent as though included verbatim in this charter.

To have all
the powers of
the Louisville
Marine Insurance
Comp'y.

Approved February 8, 1838.

CHAP. 748—AN ACT to prohibit slaves going as passengers on mail Stages, and other coaches.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be unlawful for the owner and proprietors of any mail stage, or other coach, or railroad cars, to suffer or permit any slave or slaves to go as passengers therein, without a written request of their owners, or in the company of their owners, under the penalty of one hundred dollars for each slave taken contrary hereto; and, also, being liable to the owners for the full value of all slaves which may thereby escape from their owners, with such additional costs and damages as the owners may incur in attempting to recover such slaves.

Approved February 8, 1838.

1838.

CHAP. 749—AN ACT to amend an act, entitled, an act to improve the road from Franklin County to the Crab Orchard, in Lincoln County.

The manner
of acquiring
right of way re-
pealed.

Certain sec-
tions of Dan-
ville road a-
dopted.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all laws, and parts of laws, prescribing the manner in which the Board of Internal Improvement for the county of Mercer shall proceed in acquiring the right of way, and in appropriating the necessary materials through and upon the lands of such person or persons as may refuse or decline to relinquish or surrender such right of way, or materials to said Board, for the construction of said road, from Franklin county to the Crab Orchard, in Lincoln county, shall be and the same are hereby repealed, and that in lieu thereof, the said Board of Internal Improvement for Mercer county, in acquiring the right of way and materials requisite and necessary for the construction of said road, shall, in all respects, be governed by the provisions of the 15th, 16th, 17th, 18th, 19th, 20th, 21st, and 22d sections of an act to incorporate the Danville, Lancaster and Nicholasville Turnpike Company, approved February 22d, 1834; which said several sections are, so far as they relate to that object, hereby made and declared to apply to the Board of Internal Improvement for Mercer county, and to the road aforesaid from Franklin county to the Crab Orchard, in Lincoln county, now constructing by said Board, in as full and ample a manner as if the same had been at length incorporated in and compose a part of this act, incorporating the said Board of Internal Improvement for Mercer county.

Persons who
obstruct the en-
gineers, &c.
may be held to
bail.

SEC. 2. That in case any person or persons shall, directly or indirectly, assault, obstruct, hinder, or delay, or threaten with force or violence, any of the agents, servants or officers of the said Board, or the said Commissioners authorized to be appointed by this act, or any Engineer, superintendent or contractor upon said road, or their laborers or hands, in exercising the rights or executing the duties devolved upon them by this act, and the act to which this is an amendment, or shall injure, or attempt to injure, any of their instruments, tools, wagons, carts, or stock, any Justice of the Peace for Mercer county shall and may at any time, upon complaint to him made upon oath, proceed to issue his warrant for the apprehension of the offender, and when brought before him to require of him or them surety for the peace, in the same manner as now provided by law.

Approved February 6, 1838.

CHAP. 750—AN ACT to amend the charter of the Versailles and Anderson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the President and Man-

agers of the Versailles and Anderson Turnpike Road Company, to locate a gate on said road, when completed, at any point on said road west of the junction of the Sublett's Ferry road with said turnpike road, any law to the contrary notwithstanding.

1838.

Approved February 8, 1838.

CHAP. 751—AN ACT allowing Presley Smith a change of venue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon calling of the indictment now pending in the Washington Circuit Court against Presley C. Smith, for the murder of ——— Kidwell, at the next term of said court, the said Smith shall have a right to elect to be tried upon said indictment in the county of Spencer; and, upon his making his election to be tried in said county, it shall be the duty of the court to cause the consent and election of said Smith to be entered on the records of said court: and the Judge of the Washington Circuit Court shall have power to take from said Smith a recognizance for his appearance, on the first day of the term of the Spencer Circuit Court to be held next thereafter; it shall also, be the duty of said court to recognize the witnesses for the Commonwealth to appear in said court at the same time.

May elect to
be tried in
Spencer.

And to be
recognized to
appear in that
court.

SEC. 2. That it shall be the duty of the Clerk of the Washington Circuit Court to transmit to the Clerk of the Spencer Circuit Court the indictment and recognizance, and all other papers connected with said prosecution; and it shall be the duty of all the witnesses, as well for the Commonwealth as for the accused, to attend on the first day of the Spencer Circuit Court to be held next thereafter.

Clerk of
Washington to
transmit papers.

SEC. 3. That if the said Smith shall elect to be tried in the Spencer Circuit Court, and so soon as the papers are transmitted to the Clerk of said Court, together with a copy of the order in relation to the consent and election aforesaid, then the Spencer Circuit Court shall have full and ample power to take jurisdiction of the offence, and to take all necessary steps for the trial of said Smith, as fully as though the offence had been committed in the said county of Spencer; and shall have power to compel the attendance of witnesses, and to do all other matters and things in relation to said trial in as full and ample a manner as if the alleged offence had been committed in said county: and if the indictment should prove defective, another may be found in said Circuit. That if any exception shall be taken to the proceedings by the said Smith, by reason whereof the court shall be of opinion the trial cannot be legally had in the Circuit to which the venue is changed by this act, it shall be the duty of the court to recognize the said Smith for trial in the county in which the alleged offence was committed; or

Spencer court
to have jurisdiction
of the case.

Course to be
taken in case
the proceedings
are defective.

1838.

in default of his entering into a recognizance for his appearance in said county, then he shall be ordered to stand committed to the jail of the county in which the offence was committed, for trial, and shall be remanded to said jail.

Approved February 8, 1838.

CHAP. 752—AN ACT to increase the compensation for taking up fugitive slaves from this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the compensation for apprehending fugitive slaves taken without this Commonwealth, and in a State where slavery is not tolerated by law, shall be one hundred dollars, on the delivery to the owner at his residence within the Commonwealth, and seventy five dollars if lodged in the jail of any county in this Commonwealth, and the owner be notified so as to be able to reclaim the slave.

Approved February 8, 1838.

CHAP. 753—AN ACT to incorporate the Jefferson Gardening and Silk Company.

Company incorporated.

Amount of property they may hold.

Capital and number of shares.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Theodore S. Bell, and his associates, shall be and they are hereby created a body politic and corporate, by the name of the Jefferson Gardening and Silk Company, and by that name and style, he and his associates, and their successors and assigns, shall and may have continued succession, and capable in law of suing and being sued, and of pleading and being impleaded, in all courts; and of taking and holding lands and tenements, not exceeding five hundred acres, and goods and chattels, machinery and personal estate, not exceeding twenty thousand dollars, and making all contracts proper to carry into effect the objects of this act; also, all proper by-laws for the management of the corporation, and the management of its prudential concerns, and generally to do and perform all and every thing that a corporation, for the purposes of this act, may lawfully do.

SEC. 2. That the capital stock of the company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and which the said Bell, and his associates, may raise by subscription, in such time and in such manner, as he or they may deem best; and payable in such manner and such instalments as may be agreed on; and the stock shall be personal estate, and shall be transferrable on the records of the corporation, in such manner as the by-laws shall direct; and each share shall entitle the holder to one vote in elections or meetings of the company.

SEC. 3. That so soon as ten thousand dollars shall be raised,

by subscription or otherwise, a meeting shall be called, on reasonable notice, and a President and two managers shall be chosen, to whom shall be confided the affairs of the company; the duration of the office of President and managers, and the time and place of election, shall be prescribed by the by-laws.

SEC. 4. That it shall be the business of the Jefferson Gardening and Silk Company to introduce, as far as practicable, the culture of the mulberry tree, and the cultivation and manufacture of silk in this Commonwealth; also, the sugar beet, and the manufacture of sugar from the beet, and, also, the cultivation of the tea plant: and in consideration of the grant of this charter, it shall be the duty of the company to make an annual report to the Legislature of the condition of their business, and all the information which they may acquire on the several subjects, and the benefits and advantages likely to accrue from their introduction; and all such other information tending to the introduction of new articles of adventure that they may obtain.

Approved February 8, 1836.

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Company may be organized, when \$10,000 is raised.

Business of the company.

To make annual reports to the Legislature.

CHAP. 754—AN ACT to continue in force an act for the benefit of the holders of Headright Certificates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act for the benefit of the holders of headright certificates, approved January the twenty first, one thousand eight hundred and thirty seven, shall be and the same is hereby continued in force for one year from the seventh of February, one thousand eight hundred and thirty eight.

Approved February 8, 1836.

CHAP. 755 AN ACT concerning the Court of Appeals.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Court of Appeals of the Commonwealth of Kentucky shall continue in session, at each term, not less than forty eight juridical days. The cases on the docket shall be distributed throughout the forty eight days as nearly equal in number and magnitude as may be, and shall be called and heard on the respective days they are set for, unless continued or postponed, or unless taken up and heard at an earlier day, by consent of the court and the counsel.

SEC. 2. That the causes shall be decided by the court at the term at which they are heard, unless the court shall order a re-argument at the next term.

SEC. 3. That any person or persons may, on executing bond and filing the record and assigning errors, as now required by

Length of terms.

Causes to be set.

When causes to be decided.

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law, sue out a writ of error with a supersedeas without an order from an appellate Judge.

SEC. 4. That no supersedeas shall be granted in court, and the Judges shall not be bound to grant or refuse them out of court.

Rule as to
delay cases.

SEC. 5. That a motion to submit a cause, as a delay case, shall not be made at the term the case stands for hearing, and the court may refuse to take the submission of a cause, as a delay case, without a brief: *Provided*, That nothing herein shall be so construed as to prevent the court from having a recess at any time.

Decisions
when to be published.

SEC. 6. That the Court of Appeals shall cause the Reporter of the Decisions to have the opinions, delivered at one term, printed by the commencement of the succeeding term; but they may authorize the opinions of two terms to be bound in one volume; and it shall be the duty of the Reporter to print all the cases in which petitions for a re-hearing shall be filed, and print the petitions with the decisions.

Approved February 8, 1838.

CHAP. 756--AN ACT to establish a precinct at the house of Peggy Craig, in Knox County, and one at the house of Samuel Woolum, in the County of Harlan.

Election precinct in Knox.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election Precinct be and the same is hereby established at the house of Peggy Craig, on Yellow creek in the county of Knox, including all the waters of Yellow creek, in Knox county, and those voters who reside nearer to said creek than to the waters of Clear creek.

Also, in Harlan.

SEC. 2. *Be it further enacted*, That an election Precinct be and the same is hereby established in the county of Harlan, at the house of Samuel Woolum, on Straight creek, to be bounded by the Pine mountain on the south and the Harlan county line on the west, north and east.

Approved February 8, 1838.

CHAP. 757--AN ACT to amend an act to regulate the Fayette and Scott Circuit Courts.

Courts of Fayette, when to be held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the February term of the Fayette Circuit Court shall commence on the second Monday in February, and continue in session, if necessary, until the first Monday in March; that the March and September terms shall continue in session, if necessary, until the second Monday in April and October; and that an additional term shall be held, commencing on the last Monday in No-

venuer, for the trial of summons and petitions, actions of debt, and chancery business, and to continue in session for one week.

1838.

Sec. 2. That the Judge of the Fayette Circuit Court shall have power to postpone, at any term, the Commonwealth's docket to a special term, to be appointed and held by him for that purpose, all laws to the contrary notwithstanding.

Judge may postpone pleas.

This act shall take effect from and after the first day of March next.

When act to take effect.

Approved February 8, 1838.

CHAP. 758—AN ACT for the relief of Jesse Wammack, of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if the County Court of Adair county shall be of opinion that Jesse Wammack, of said county, by reason of personal debility, is incapable of procuring a livelihood, they shall, from time to time, apply to his support and maintenance, out of the county levy of said county, twenty five dollars per annum, or at that rate, without causing said Wammack to be kept in the poor house of said county.

Approved February 8, 1838.

CHAP. 759—AN ACT to authorize changes of venue from the Louisville Chancery Court to the Jefferson Circuit Court, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all causes which may hereafter be removed, by change of venue, from the Louisville Chancery Court, in the manner and form now provided by law; and all causes depending, or to be brought, in the said court, and which the Judge of the said court shall, for any reason, decline to hear and determine, shall be removed to the Jefferson Circuit Court, unless the cause of objection shall apply as well to the Jefferson Circuit Court, as to the Louisville Chancery Court.

How cause may be removed.

Sec. 2. That the Judge of the Jefferson Circuit Court be vested with full power and jurisdiction to hear and determine all such suits, in chancery, as may be removed to the said court from the Louisville Chancery Court, under the provisions of this act, and may make all necessary and proper orders and decrees to carry his decision into full effect.

Circuit court vested with jurisdiction.

Sec. 3. That appeals and writs of error from the judgments and decrees of the Jefferson Circuit Court, in causes removed to the said court, shall lie to the Court of Appeals in the same mode and manner, and under the same rules and regulations, that appeals and writs of error lie to the judgments and decrees of the Circuit Courts in other causes.

Appeals, &c. may be taken in causes removed.

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Further powers of Police court.

Power of city court to grant ferries vested in mayor, &c.

SEC. 4. That the Clerk of the Police Court of Louisville shall have power and authority to issue the necessary and proper mesne and final process, in all cases cognizable before said court; and the Marshal of the city of Louisville shall have power and authority to take bail, under any process which he may have executed, and when, by law, the party is entitled to bail; and the City Attorney of Louisville shall be entitled to the same fees that a Commonwealth's Attorney is entitled to for similar services; and the enactment of the amendments to the charter of the city of Louisville shall not deprive the said Attorney of any compensation he would have otherwise been entitled to; and he shall be entitled to the fee authorized by law for prosecuting persons to conviction for retailing spirituous and other liquors without licence. And, hereafter, the County Court of Jefferson shall not have power and authority to establish ferries within the limits of the city of Louisville, and the power and authority shall be vested in the Mayor and Council of the city of Louisville.

Approved February 9, 1838.

CHAP. 760—AN ACT to establish the County of Carter.

Boundary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of May, 1838, all those parts of Greenup and Lawrence counties, contained in the following bounds, to-wit: beginning at the line of Lawrence county on Big Sandy at the mouth of Savage creek; thence with the division line between Lawrence and Greenup county to the point where said line crosses the east fork of Little Sandy; thence a straight line, crossing Little Sandy, to the top of the dividing ridge between Crane creek and the waters south of it; thence with said dividing ridge to the head of Crane creek; thence a straight line to the mouth of the Buffalo Fork of Tigert's creek; thence up said fork to the mouth of Grassy creek; thence up Grassy creek to its head; thence a straight line to the Lewis line; thence with the Lewis line to the Fleming line; thence with the Fleming line to the Morgan line; thence with the Morgan line to where it crosses Little Sandy river; thence with Little Sandy river to Newcomb's fork; thence up Newcomb's fork to the first large branch on the east side of said fork; thence up said branch to the head thereof; thence a straight line to the fork of the Little fork of Little Sandy, above the foot of the dry ridge; thence up Luster spring branch, with the old trace, to the head of the Lick branch of the dry fork; thence down said branch to the mouth; thence, crossing dry fork, to the county road; thence with the county road to the mouth of Bells' Trace Fork; thence up said fork to the first big branch, on the north side thereof, above Jesse Kizee's; thence up said

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branch to the head thereof; thence with the divide between the waters of the Little fork and east fork of Little Sandy to the head of the Little east fork, or Bols' fork; thence a straight line to the mouth of White's creek on Big Sandy river; thence down said river to the mouth; thence down the Ohio to the beginning, shall be and the same is hereby erected into one distinct county, to be called and known by the name of Carter.

Sec. 2. That the county of Carter shall be entitled to ten Justices of the Peace, who, after having been commissioned, shall, on the first day of May, 1838, meet at the house of Jesse England, at the cross roads, and after taking the necessary oaths of office, and qualifying their Sheriff, they shall proceed to appoint a Clerk, to whose permanent appointment a majority of all the Justices in commission, in and for said county, shall concur; but if such a majority cannot be had, in favor of any one, then the court may appoint one *pro tem* until a majority of said court shall concur in said appointment.

Number of justices, and their duty.

Sec. 3. That the County and Circuit Courts of Greenup and Lawrence, and the Justices of the Peace thereof, shall have jurisdiction, in law and equity, in all cases, before this act takes effect, in the respective parts of said counties in which such cases may arise; and it shall be lawful for the Sheriffs, Constables, and Collectors, in said counties, to collect all money and execute all process as the law directs, which may be in their hands at the time this act takes effect, and account for the same according to law.

Courts of Lawrence & Greenup to have jurisdiction.

Sec. 4. That Daniel Morgan, Franklin A. Andrews, of Fleming county, Edmund Wells of Morgan county, be and they are hereby appointed Commissioners, who, or a majority of them, are hereby authorized and required to make a suitable selection, and purchase of lots, or parcels of ground, in said county for the erection of public buildings for the seat of justice, and shall make report of their purchase and the price and terms thereof, to the County Court of said county at its next session after such purchase and location; and it shall be the duty of the County Court to make provisions for the payment of the purchase money, to be paid for said lot, or parcels of ground, according to the terms of the purchase; and the said County Court shall, as soon as may be after the purchase of said lots, or parcels of land, is reported to them, as aforesaid, proceed to cause a suitable court house and jail, with such other public buildings as they may think proper and necessary, to be erected thereon; and until the public buildings are erected thereon, it shall be the duty of the County Court, at the expense of their county, to procure some suitable house, in which the sessions of the County and Circuit Courts, in and for said county may be held, until the court house shall be completed and prepared for that purpose.

Commissioners to select county seat.

Duty of county court.

Sec. 5. That the County Court shall appoint Commissioners of tax for the year one thousand eight hundred and thirty

Commissioners of tax.

1838.

Number of
constables.

eight, who shall be governed by the laws which may be in force on that subject.

Sec. 6. That the county of Carter shall not be entitled to more than five Constables, and the County Court of said county, as soon as this act takes effect, shall lay off the same into five Constable's districts; and in the appointment of Constables, and all other county officers, shall be governed by the general law now in force on those subjects.

Sec. 7. That the County Court of said county shall, in making their county levy, provide for the payment of the claims of the Commissioners appointed as aforesaid.

How county
to vote at elec-
tions.

Sec. 8. That the qualified voters in said county shall vote, at all elections held for Senators and Representatives in the State Legislature, for members of Congress, and all other officers, in the same manner and at the same place in said county, they now do, and also at the seat of justice in said county when the same shall be established; and the said county, in the said elections, shall vote for Senator and Representatives with the counties of Greenup and Lawrence, in the respective parts thereof, as they did before the passage of this act, until the next apportionment of the representation of this Commonwealth; and the Sheriffs of said county of Carter, shall compare the polls of said elections as now prescribed by law.

When courts
to be held.

Sec. 9. That the County Court of said county shall hold its terms on the first Monday in each and every month, and the Circuit Court, in and for said county, shall hold its terms on the second Mondays in April, July and October, in each and every year, and continue six juridical days at each term, if the business of the court shall require it.

Sec. 10. That for the year one thousand eight hundred and thirty seven, the Sheriffs of Greenup and Lawrence shall proceed to collect the revenue and county levy in said county, as though this act had never passed.

Sec. 11. That the county of Carter shall be and the same is hereby attached to the first Judicial District.

Approved February 9, 1838.

CHAP. 761—AN ACT for the benefit of Mary Armstrong and her children.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that in the year 1826, William Creekman conveyed to Henry Miller, of Logan county, in trust for Mary Armstrong, and for her use and benefit during her life, and at her death in fee to her children, a certain house and lot in the town of Russellville, and the said house is now in a state of delapidation and unprofitable to said Mary Armstrong, and will likely be worthless to her children at her death—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Henry Miller, Mary Armstrong, and

David Armstrong, husband of said Mary, be permitted and authorized to file a petition in the Todd Circuit Court for the sale of said house and lot, in the town of Russellville; and the Chancellor thereof be authorized, with the consent of the Trustee, to decree the sale thereof, if it shall appear to his satisfaction that it is for the benefit of the children of said Mary Armstrong that the same shall be sold, and that it is also to the benefit of said Mary Armstrong; and that the Chancellor require of the Commissioner, whom he appoints, to make sale thereof, first requiring bond, with sufficient security, for the faithful appropriation of the proceeds of said sale, (to-wit:) the interest thereof to Mary Armstrong during her life, and at her death the principal to the children of said Mary, or their legally authorized guardians; and shall cause the proceeds to be so invested as that the principal shall be secured and the interest punctually paid.

Approved February 9, 1838.

1838.

May file a bill.

Court decree a sale.

CHAP. 762—AN ACT to regulate equitable proceedings under five pounds before Justices of the Peace.

WHEREAS, great hardships have resulted to the people of this State in consequence of no appropriate remedy having been given to collect debts in chancery under five pounds—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, when the plaintiff or plaintiffs in an execution, which shall have been returned no property found to make the debt, or any part mentioned in said execution, when the same shall not exceed five pounds, may require the Justice of the Peace from whom said execution issued, to issue a summons against any person or persons who may be indebted to the defendant in said execution, to appear before him, and answer, on oath, to the amount he, she or they, may be owing to said defendant or defendants, or either of them, in said execution, and that said Justice shall then make any order or orders that he may deem right, so as to secure the payment of the plaintiff's debt from the person or persons so summoned, provided the same shall be owing.

Justice to issue summons to answer on oath

And may render judgment.

SEC. 2. That the defendant or defendants, in said execution, shall be summoned to appear at the same time that the person so garnisheed shall be summoned to attend, as aforesaid, to show cause, if any there be, why said order or orders shall not be made, provided they shall be in this Commonwealth: *And, provided further,* That the person or persons so garnisheed shall not be compelled to pay any cost or costs accruing on said proceedings, nor shall they be compelled to pay any debt to the plaintiff or plaintiffs, in said execution, different from the manner in which the same was contracted with said defendant or defendants; but in case where the same was

Defendants summoned to appear.

Proviso.

1838.

contracted with said defendant or defendants; but in case where the same shall not be due, or shall be payable in property, the Justice, as aforesaid, shall make such order or orders as shall be deemed just and equitable between said parties: *Provided*, That this act shall not extend to or authorize the attachment of money or property on account of labor or personal services not fully rendered.

Justice to endorse a restraining order.

SEC. 3. That the Justice so issuing said summons, shall endorse on the same an order restraining said person or persons, so summoned, not to pay to said defendant or defendants, or any one for them, the amount owing to them until the further order of said Justice.

Approved February 9, 1838.

CHAP. 763—AN ACT to amend the act establishing the Greenupsburg Savings Institution.

WHEREAS, the Clerk who engrossed the act, entitled, an act to establish the Greenupsburg Savings Institution committed an error by making the word "receiving" in the third line of the sixth section read "recovering;" and whereas the stockholders, after subscribing stock and electing a President and Directors, were unwilling to pay up the full amount of stock subscribed until the said error should be corrected—therefore,

May make regular calls until paid up.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the word "receiving" shall be substituted for the word "recovering," in the third line of the sixth section of said act, and shall have the same effect as if the said word had been correctly transcribed by the engrossing Clerk; and shall have the same effect in law as if the said error had not been made. And it shall be the duty of the President and Directors of said Institution to make regular calls upon the subscribers of stock, to pay up, from time to time, such portions of the stock subscribed as may be required of each subscriber, until the whole amount of stock subscribed by each shall be paid in full; and the calls upon each subscription, as fast as the same is paid in, shall have the same effect as if the whole amount had been paid at the date of the subscription: *Provided*, That no subscriber shall pay less than two hundred dollars per quarter, until the whole amount subscribed by each stockholder shall be fully paid.

Proviso.

May open books.

SEC. 2. That the President and Directors of said Institution, and their successors in office, may, from time to time, with the assent of a majority of the voting members, open the books of the institution for additional subscriptions of stock,

Approved February 9, 1838.

CHAP. 764—AN ACT for the benefit of the heirs of John Portman, deceased.

1838.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the heirs and administrators of John Portman, deceased, to file their petition in chancery, in the Casey Circuit Court, praying for a sale of the real estate of said decedent, for the purpose of paying his debts; and if it shall appear to the satisfaction of said court, that the assets which came to the hands of the administrators, have been exhausted in the payment of debts, and that there yet remain other debts against said estate unsatisfied, said court shall have power and authority to decree a sale of the real estate descended from said Portman for the purpose of paying the debts yet remaining unsatisfied.

May file a bill.

Court may decree a sale.

SEC. 2. That the said court shall have power to appoint a Commissioner to make said sale, and exact from him bond, with security, and to make such orders and decrees in relation to the disbursement of the same as may be just; and to make all such other and further decrees as may be consistent with the rules of chancery proceedings.

Appoint a commissioner.

Approved February 9, 1838.

CHAP. 765—AN ACT to improve the roads in Simpson County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the vacant and unappropriated land lying south and opposite to Simpson county, in the territory between Walker's line and the line in latitude thirty six degrees thirty minutes, north, in the State of Tennessee, be and the same is hereby appropriated to said county for the purpose of improving the roads therein: *Provided, however,* That this act shall not prevent those who may now hold treasury land office warrants from locating, surveying and patenting the same.

Vacant land appropriated to road.

SEC. 2. That the Register of the Land office be and he is hereby authorized and required to issue land warrants, in the name of the Simpson County Court, at any time, for such amount as the said court may require, without the State price therefor being paid, to be located south and opposite said county, between Walker's line and latitude thirty six degrees thirty minutes, north, in the State of Tennessee; and when any survey shall have been made, on any of said warrants, and certificates of such survey shall be returned to the Register's office, said Register is hereby directed to Register the same, and issue patents therefor without fee or charge.

Register to issue warrants and patents for same.

SEC. 3. That the County Court of said county may appoint an agent, or agents, to locate, or to sell and assign said warrants, or any part of the same, who shall enter into bond, with

County court may appoint agent.

1838.

Proceeds to
be applied to
roads.

Provisions ap-
plied to Todd
county.

security, in said court, in such sum as said court shall require for the faithful discharge of his duty.

Sec. 4. That all money arising from the sale of said land, as aforesaid, shall, by said court, (a majority of all the members thereof being present,) be applied to the improvement of such road or roads in said county as said court may think proper.

Sec. 5. That all the provisions of this act shall apply to and are hereby made applicable to the county of Todd.

Approved February 9, 1838.

CHAP. 766—AN ACT to change the place of voting, from the house of William Pepper to that of James Young, in Bracken County, and to change the place of voting in the Millersburg Precinct, in Bourbon County.

Bracken
county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the Snag precinct, at the house of William Pepper, shall be changed to the house of James Young in Bracken county, and all elections to be held in said precinct shall be governed by the laws now in force upon the subject of elections.

Millersburg
precinct.

Sec. 2. That, hereafter, the elections in the Millersburg precinct, in Bourbon county, shall be held at the house of Oscar J. Miller, in said town, instead of the house of John Holladay, as provided in the act establishing said precinct, approved January 11th, 1825.

Polls to be
compared at
court house.

Sec. 3. That the comparison of polls, from all the places of voting in said county of Bourbon, shall take place at the court house, in Paris, on the Friday after the election in each year; and all laws inconsistent herewith are hereby repealed.

Approved February 9, 1838.

CHAP. 767—AN ACT the better to secure the collection of taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, it shall be lawful for the different Sheriffs, and other collecting officers, in this Commonwealth, to retain in their hands the amount of taxes, county levies, and other public dues, owing to the government by individuals, out of any claims for money allowed by the County Courts in this State; and after retaining the amount of taxes, county levies, and other public dues, due the government, the Sheriff and other public officers, shall promptly pay over the balance of such claims to the persons to whom such allowances were made, all other laws to the contrary notwithstanding.

Approved February 9, 1838.

CHAP. 768—AN ACT to amend an act establishing the Whitley Turnpike Road.

1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioner, or Commissioners, of the Whitley Turnpike road may, at any time, apply to the Whitley County Court for liberty to change the location of said road at any point within said county, provided said application shall not be for a greater distance than one mile, at any one place; and that said court, in making said change, shall be governed by the laws now in force in relation to public roads.

Approved February 9, 1838.

CHAP. 769—AN ACT for the benefit of Chilan Carter.

WHEREAS, it is represented that Mrs. Carter, the wife of Chilan Carter, of the county of Monroe, had on the eighth day of the present month, (January,) three children at one birth—one son and two daughters—for encouragement whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Monroe county be and they are hereby authorized to give to said Carter, one thousand acres of the vacant and unappropriated land lying in the State of Tennessee, between Walker's line and the latitude of thirty six degrees and thirty minutes, to be entered, surveyed and patented according to the law now in force upon that subject; provided, however, that said Carter shall not be required to pay any thing for the same except the surveying thereof.

Approved February 9, 1838.

CHAP. 770—AN ACT for the benefit of the heirs of William T. Smith, dec'd.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the Scott Circuit Court be and he is hereby authorized and required, upon the petition of Henry Branham, guardian for the infant children of Polly Branham, deceased, to decree a sale of said infants' interest in and to a house and lot in the town of Georgetown.

SEC. 2. That the Judge, in decreeing a sale of the estate mentioned in the first section of this act, shall be governed and controlled by the general law now in force authorizing a decree for the sale of infants' real estate.

Approved February 9, 1838.

1838.

CHAP. 771—AN ACT to change the place of voting in the Rockcastle Precinct, in Lawrence County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the elections in the Rockcastle precinct, in the county of Lawrence, shall hereafter be held at the house of James Marcum, and to be conducted under the laws now in force upon the subject of elections.

Approved February 9, 1838.

CHAP. 772—AN ACT to clear and remove the obstructions to the navigation of flat bottomed boats in that part of Green river which lies between Fitzpatrick's mill and Little Barren river.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement shall cause a survey to be made on Main Green river, from the mouth of Little Barren up as high as Neatsville, and ascertain in what improvements can be beneficially made, with a view to descending navigation; and that said Engineer designate the nature and mode of improvement.

SEC. 2. That when the report of the Engineer shall be received by the Board of Internal Improvement, if the Board shall be of opinion that the descending navigation of the river between the points designated, or any part thereof, can be sufficiently benefitted by the removal of obstructions, to justify the expenditure, then, and in that case, it shall be the duty of the Board to put the work under contract during the present year, and cause said obstructions to be removed, commencing at Neatsville and proceeding downward.

SEC. 3. That to enable the Board of Internal Improvement to prosecute the work aforesaid, the sum of six thousand dollars, or so much thereof as may be necessary, shall be and the same is hereby appropriated out of the funds that may be raised for the purposes of Internal Improvement by the bill providing for the further internal improvement of the State, passed at the present session of the Legislature.

Approved February 9, 1838.

CHAP. 773—AN ACT to establish the County of Carroll.

Boundary of
new county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of March next, all the parts of the counties of Gallatin, Henry, and Trimble, included within the following bounds, to-wit: beginning on the bank of the Ohio river about one half mile below Agniel's branch, at the upper corner of James Smith's land; thence a direct line to the forks of Lick creek; thence down the same to Eagle creek; thence down Eagle creek to

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the Kentucky river; thence crossing the Kentucky river, and binding thereon, to Bell Gullion's, including her; thence a direct line to where the old line between Gallatin and Henry crosses the main west fork of Mill creek; thence with said old line to where it crosses George's creek; thence down George's creek to the Little Kentucky river; thence a direct line to the lane between Thomas B. Spilman and Isaac Gray, to the Ohio river; thence up the Ohio river and binding thereon to the beginning, shall be one distinct county, called and known by the name of Carroll, in honor of Charles Carroll, of Carrollton.

Name.

SEC. 2. That the seat of justice for the said county of Carroll, shall be and the same is hereby permanently located in the town of Port William, and that the County and Circuit Courts of said county shall be held at said court house.

Seat of justice located.

SEC. 3. That the County Courts of the said county of Carroll, shall be held on the first Monday in every month, except the months in which Circuit Courts are held.

County courts when to be held

SEC. 4. There shall be allowed to the said county of Carroll nine Justices of the Peace, to be commissioned by the Governor, according to the provisions of the Constitution.

Justices to be commissioned.

SEC. 5. The Justices of the Peace for said county shall meet at the court house in the town of Port William on the first Saturday in March next, and, having severally taken the oaths prescribed by the constitution and laws of this State, proceed to appoint and qualify a Clerk.

First meeting of county court.

SEC. 6. The Governor shall appoint a suitable person, resident in the said county of Carroll, Sheriff thereof.

Sheriff to be appointed.

SEC. 7. The said county of Carroll shall be entitled to five Constables, to be appointed by the County Court thereof; and the Sheriff and Constables aforesaid, when appointed, shall enter into bond, with security, in said County Court, agreeably to law.

Number of constables.

SEC. 8. The voters of said county of Carroll shall vote, as heretofore, in the several counties out of which the said county of Carroll is formed, as though this act had not passed, until the next apportionment of representatives.

Where voters to vote.

SEC. 9. Process shall issue, and be made returnable as heretofore, and the several courts of the counties out of which said county of Carroll is formed, shall have cognizance of all matters of controversy, both in law and equity, until the second Monday in March next, at which time all their power and jurisdiction shall cease and determine; provided that all suits or actions commenced in either of said original counties shall be tried and determined therein respectively.

Old counties to have jurisdiction of all suits commenced.

SEC. 10. The revenue and county levy, collectable during the present year, shall be collected and accounted for by the Sheriff and collectors of said original counties, out of which the said county of Carroll is formed, as though this act had not passed.

How taxes to be collected.

SEC. 11. That James Sayer, of the county of Gallatin,

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Commission-
ers to run and
mark the lines
of the new
county.

Report to be
recorded.

Attached to
4th judicial dis-
trict; first cir-
cuit court.

Jeremiah Strother, of the county of Trimble, and Daniel J. King, of the county of Carroll, be and they are hereby appointed Commissioners, whose duty it shall be to run and mark the boundary lines between said county of Carroll and the counties of Gallatin, Henry and Trimble; and that they make out and return to each of the County Courts of said counties a report of their proceedings, to be entered of record by said courts, respectively: *Provided however*, that any two of said Commissioners may act; and that they shall not mark or run such lines as have a fair natural boundary.

SEC. 12. That the Judge of the fourth Judicial District shall hold a special term of the Circuit Court of the said county of Carroll, at the court house in the town of Port William, on the first Saturday in March next, and proceed to appoint and qualify a Clerk of said court.

Approved February 9, 1838.

CHAP. 774—AN ACT concerning the Frankfort and Louisville, and the Bardstown and Louisville Turnpike Roads.

Stone not to
be broken on
the roads.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in repairing the Turnpike roads from Frankfort to Louisville, and from Louisville to Bardstown, the stone shall not be placed and broken on the stone road to the interruption of the travel, under the penalty of four dollars for each load so placed and broken.

Carriages not
to be driven
fast.

SEC. 2. That no stage, carriage, wagon, or other vehicle, shall be driven over any of the bridges on said road faster than a walk, under the penalty of four dollars for each offence.

Persons not
to avoid pay-
ing toll.

SEC. 3. That no person shall force through any of the turnpike gates on said roads without paying toll, or go out of the road before coming to a toll gate on said roads, and return into the road again on the other side of the gate, for the purpose of evading the payment of toll, under the penalty of four dollars for each offence.

Tolls may be
increased.

SEC. 4. That the tolls on the turnpike roads from Springfield to Louisville may be increased, before the expiration of two years from the completion thereof, and particularly on the narrow wheeled wagons; but they shall not be increased otherwise than provided in the charters of the road Companies.

Justices of
the peace to
have jurisdic-
tion.

SEC. 5. That the Justices of the Peace of the several counties, through which any turnpike road may pass, or in which any bridge may be erected, shall have jurisdiction to issue a warrant for any violation of this act; and the mesne and final process may be sent to any county in this Commonwealth, where the party can be found.

Approved February 12, 1838.

CHAP. 775—AN ACT to regulate the County Court of Anderson County.

1838.

WHEREAS, many of the citizens of the county of Anderson have petitioned this Legislature to allow to said county three County Courts, in addition to those already allowed by law—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the County Court of Anderson shall be holden on the second Monday in each month in this and every succeeding year, any law to the contrary notwithstanding.

Approved February 12, 1838.

CHAP. 776—AN ACT allowing an additional term to the County Court of Spencer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the County Court of Spencer shall hold a term of said court on the first Monday in May, in addition to the terms now allowed by law.

Approved February 12, 1838.

CHAP. 777—AN ACT to regulate the time of holding the Bullitt County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the Bullitt County Court shall hold its session on the second Monday in every month except the months of April, July, and October, when it shall meet on the third Mondays as heretofore; and this act shall not take effect until the first day of May next.

Approved February 12, 1838.

CHAP. 778—AN ACT for the benefit of Matilda A. Floyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Matilda A. Floyd, and her husband William S. Floyd, is forever dissolved, so far as respects said Matilda, who is hereby restored to all the rights and privileges of an unmarried woman, and whose name shall hereafter be Matilda A. Harrington.

Approved February 12, 1838.

1838.

CHAP. 779—AN ACT for the benefit of William Smith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the County Court of Harrison county, to appoint some suitable person a committee to take care of William Smith; and said court is hereby authorized and required to levy the sum of thirty dollars, annually, or during the inability of said Smith to support himself, to be paid over to his committee for his maintenance when collected.

Approved February 12, 1838.

CHAP. 780—AN ACT to change the place of voting in the Union election Precinct, in Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Union election precinct, in Shelby county, shall be and is hereby changed from the house of James Guthrie to the house of Newton Guthrie, in the town of Claysville, in said county.

Approved February 12, 1838.

CHAP. 781—AN ACT to establish an election Precinct in the County of Gallatin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be and the same is hereby established in the county of Gallatin, to be held at the house of Benjamin H. Elliston, in the town of Napoleon; and the County Court of Gallatin is hereby directed to appoint all necessary officers for the purpose of managing elections at said precinct.

Approved February 12, 1838.

CHAP. 782—AN ACT for the benefit of Robert Guinea.

WHEREAS, Robert Guinea, late Sheriff of Gallatin county, failed to pay over to the State the whole amount of the revenue of said county for the year 1833, within the time allowed by law, owing to the defalcation of one of his deputies, and he has since paid the same, with interest and costs of suits, leaving unsatisfied only the amount adjudged to the Commonwealth for damages on account of said defalcation—

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Guinea be and he is hereby released from the amount of said damages.

Approved February 12, 1838.

CHAP. 783—AN ACT to change the place of voting from the house of Thomas Dance to that of Jonathan Callen, in Pendleton County.

1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the election precinct heretofore held at Thomas Dance's, in Pendleton county, be and the same is hereby removed to the house of Jonathan Callen, to be called the Fork Lick Precinct; and all elections hereafter held at said precinct, shall be conducted under the laws now in force upon the subject of elections.

Approved February 12, 1838.

CHAP. 784—AN ACT for the benefit of D. S. Hays, Brigade Inspector of the 27th Brigade of Kentucky Militia.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Daniel S. Hays, Brigade Inspector of the 27th Brigade of Kentucky Militia, performed the duties of his office at eight different musters in the 27th Brigade, and obtained from the Brigadier General a certificate of said services, in consequence of resignation and death—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts is hereby directed to issue his warrant in favor of said Hays, on the Treasurer, for twelve dollars, for said services, which the Treasurer is hereby directed to pay, out of any money in the Treasury not otherwise appropriated.

Approved February 12, 1838.

CHAP. 785—AN ACT for the benefit of McRery, Fleming and Tomb.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be and they are hereby authorized and required to appoint the Chief Engineer to examine the work done by McRery, Fleming and Tomb, at Vienna falls on Green river; and that said Engineer be instructed to inquire and ascertain whether any, and, if any, what amount of damage or loss has been sustained by the contractors aforesaid, by timber cut from the banks of the river, and to make out an estimate of said loss or damage and return the same to said Board, together with an estimate of the value of any additional work occasioned by alterations in the plans of construction, and injury sustained by such alterations, for which the contractors have not been compensated; and said Board shall be and they are hereby authorized to make to the contractors such allowance for losses sustained by the timber aforesaid, and for the alterations as above

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specified, which have not been paid for, as in the opinion of the Board may be just and equitable; and that the same be paid out of the Internal Improvement fund of the State: and that it shall, also, be the duty of said Chief Engineer to make an examination and estimate of the value of said work, according to the prices of constructing similar works on Green river, at the time said work was done, showing the difference between the price that said work was first undertaken at, and the estimate hereby authorized to be made, and report the same to the next Legislature.

Approved February 12, 1838.

CHAP. 786—AN ACT for the benefit of William M. Simmons.

WHEREAS, at the October term, 1832, of the Bullitt Circuit Court, William M. Simmons was, by the verdict of a jury, and the subsequent orders and proceedings of said court, found to be an Idiot, and a committee was appointed to take charge of him and his estate, and since that time great doubt has arisen, whether or not the inquisition of said jury be true, and the said Simmons be an Idiot in fact: and, whereas, the said Simmons has made his personal appearance before the Judge of the Bullitt Circuit Court, in session at the July term 1837, and demanded of said court a jury to re-try the question of Idiocy, which was refused by said court, and the application has been removed to the Spencer Circuit Court, and is now pending in said court, and doubts exist as to the jurisdiction of the Spencer Circuit Court—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Judge of the Spencer Circuit Court, on the appearance of said William M. Simmons before said court, when in session, to order a jury to be summoned and convened and sworn, whose duty it shall be, on the personal inspection of said William M. Simmons, and such proof as may be adduced before them, to re-try the question whether or not the said William M. Simmons is, or is not, an Idiot, and their verdict, so found, they shall return into said court; whereupon, it shall be the duty of said court to have such proceedings thereon as is lawful in cases of Idiocy, under the laws now in force in this Commonwealth; the court shall cause the expenses of the inquisition, including counsel and witnesses' fees, to be paid out of the estate of said Simmons.

Jury to be
summoned and
re-try the in-
quisition.

Approved February 12, 1838.

CHAP. 787—AN ACT for the benefit of the Sheriffs of Jessamine and Barren Counties.

1838.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Jessamine county shall have until the meeting of the Court of Assessment of muster fines for the year 1838, to return his list of delinquent muster fines for the year 1837.

Jessamine
county.

SEC. 2. That the Sheriff of Barren county be allowed until the first day of January next, to make out and return to the Auditor of Public Accounts his list of delinquents in the Auditor's additional lists, transmitted to said Sheriff by the Auditor in the year one thousand eight hundred and thirty six; and for said delinquent list the Auditor shall give said Sheriff a credit in his settlement of the revenue tax due and collectable in year one thousand eight hundred and thirty eight, in case he has paid into the Public Treasury the amount of said Auditor's additional list.

Barren
county.

Approved February 12, 1838.

CHAP. 788—AN ACT for the benefit of the heirs of John H. Bell, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Guardian, or Guardians, of the infant heirs of John H. Bell, deceased, to file their bill in the Fayette Circuit Court, praying that they be authorized to sell a certain tract of land, situate in said county, containing about seventy acres, for the purpose of educating and maintaining said infant heirs; in that case, the said Circuit Court shall order and decree a sale of said land, upon such terms and such credits as the court may think best, and shall appoint a Commissioner to carry said decree into effect; and upon the Commissioner reporting the same to court, the court shall order the amount to be paid over to the Guardian of said infants for their support and maintenance: *Provided however*, That before the money so raised shall be paid over to said Guardian, or Guardians, he or they shall be required to enter into bond, with approved security, in a sum double the amount belonging to each heir, for the faithful performance of the duty assigned to and required of him or them: *And, provided further*, That said court shall not decree a sale of said land unless it shall appear to be the interest of the heirs to have the same sold and the proceeds so applied, taking into consideration the whole of their estate and their future prospects.

Approved February 12, 1838.

1838.

CHAP. 789—AN ACT to extend the powers of the Trustees of the town of Cynthiana, in Harrison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Cynthiana, in the County of Harrison, be and they are hereby authorized to appoint a Marshal for the said town, and take from him bond and security, in such sum as the said Board of Trustees shall prescribe, conditioned for the faithful performance of the duties of his office; and it shall be the duty of the said Marshal to prosecute all violations of the ordinances of said Board of Trustees, and the laws of this Commonwealth applicable to towns.

Approved February 12, 1838.

CHAP. 790—AN ACT to change the name of Isaac Whitson and Elizabeth Whitson, and the names of their children, to that of Young, and to change the name of John Lawrence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Isaac Whitson, and Elizabeth Whitson his wife, of the County of Oldham, be and they are hereby changed to Isaac Young and Elizabeth Young, and the names of their children, Leander Whitson and Pembroke Whitson, be and they are hereby changed to Leander Young and Pembroke Young.

SEC. 2. *Be it further enacted,* That the name of John Lawrence, of Barren County, be changed to that of John L. Cole, and that the said John be known and called forever, hereafter, by the name of John L. Cole.

Approved February 12, 1838.

CHAP. 791—AN ACT authorizing the Register to issue a Patent in the name of Barnabas Wing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so soon as a copy of an original survey for four hundred acres of land, made in the year 1806, in the name of Barnabas Wing, shall be filed with the Register of the Land Office, accompanied by the affidavit of Rezin R. Price, that the original survey, with the assignment thereon, is lost, it shall be the duty of the Register to receive and file said plat and certificate, and to issue a patent thereon to the said Barnabas Wing, as though the original plat and certificate were filed: *Provided however,* That nothing herein contained shall be construed to affect any other valid or better claim to said land in law or equity.

Approved February 12, 1838.

CHAP. 792—AN ACT for the benefit of the Administrator of Elias McWorthy, deceased.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Milton E. McWorthy, administrator of the estate of Elias McWorthy, deceased, to file a petition in the McCracken Circuit Court against the heirs and legatees of said deceased, alleging that the personal estate is insufficient to pay the debts of said Elias McWorthy, and that he has a lot of ground in the town of Paducah; and said court shall, after causing the administrator to apply all the personal estate in his hands, or belonging to said estate, to the payment of the debts and causing his accounts to be stated and settled, have power and authority to decree a sale of said lot of ground, and the proceeds thereof to be applied to the payment of said decedent's debts, which remains unpaid: and said court shall, in all other respects, conform to the provisions of an act, entitled, an act vesting jurisdiction in the Circuit Courts to authorize a sale of the real estate of infants in certain cases, approved February the third, one thousand eight hundred and thirteen.

Approved February 12, 1838.

CHAP. 793—AN ACT for the benefit of Lucy C. Read.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract now existing between Lucy C. Read and Joseph Read, be and the same is forever dissolved, so far as the same relates to said Lucy C. Read; and she is hereby restored to all the rights and privileges of an unmarried woman.

Approved February 12, 1838.

CHAP. 794—AN ACT to amend the Charter of the town of Newport.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, whenever it shall be desired by the owners of a greater part of the ground fronting on any of the streets, from the external boundary to an intersecting street, or between intersecting streets, in the town of Newport, to grade and pave the same, and such desire shall be made known to the President and Trustees of said town, by petition in writing, signed by two thirds of the lot holders on said street, or streets, so proposed to be graded and paved, it shall and may be lawful for the President and Trustees of said town, and full power and authority is hereby given them, to levy and impose such a tax upon the owner or owners of lots on said street, or streets, so proposed

May levy a tax on certain lots to pave the foot ways.

1838.

to be graded and paved, as may be sufficient to effect and complete the same, in such manner as said President and Trustees may direct.

Shall apportion the same

SEC. 2. That the President and Trustees of said town, in levying the tax for the purpose specified in the first section of this act, shall apportion the same among the respective lot holders, upon the street or streets so proposed to be graded and paved, according to the extent of ground which each of said lot holders may own fronting upon said street.

SEC. 3. That said President and Trustees shall have full power and authority to collect and enforce the payment of said tax imposed, for the purpose aforesaid, in the same manner that other taxes are made payable and collectable in said town.

Mayor's salary

SEC. 4. That the salary of the Mayor of said town is hereby reduced to the sum of ten dollars per annum.

Vote, to be taken on this act.

SEC. 5. That all the legal voters in the town of Newport shall have a right to vote, either for or against this act—the election for the same to be held on the first Monday in June next, in the court house in said town, by the Trustees thereof; and if upon a comparison of said votes, there shall be a majority in favor of this charter, the same shall take effect, otherwise to be void and of no effect.

Approved February 12, 1838.

CHAP. 795—AN ACT for the benefit of Moses Ryan, of Bath County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Bath county, be and it is hereby authorized and empowered, by its order, to allow Moses Ryan to cut a passage for his stock to pass and repass, from one part of his farm to the other, under and across the public road in said county leading from Sharpsburg to Owingsville, the said court requiring the same to be done in such manner, as not to obstruct the travel on said road; and, also, requiring said Ryan, perpetually, to keep said road in good repair at the point where said passage may cross; and said court shall have the power, at all times, to cause said passage to be stopped up and filled, at the expense of the proprietor, if it should form any obstruction to the travel of said road, either from the manner of its construction, or the order in which it may be kept up.

SEC. 2. That the said County Court of Bath may extend the benefit of this act to all the citizens of said county, upon any of the public roads in said county, in manner and form as set forth in said act, a majority of all the Justices of the Peace in said county being present and concurring therein.

Approved February 12, 1838.

CHAP. 796—AN ACT allowing an additional Justice of the Peace to the Counties of Bullitt and Russell, and to enlarge a Constable's District in Union County.

1838.

WHEREAS, it is represented to the present General Assembly, that the town of Mount Washington, in Bullitt county, in consequence of the removal of one of their Justices of the Peace, are greatly in need of one—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the Peace be allowed to said county.

Bullitt.

SEC. 2. That Russell county shall be allowed one additional Justice of the Peace; and the County Court of said county, in its appointment, shall have due regard to the want of a Justice of the Peace in the neighborhood of Goose creek, in the north end of said county.

Russell.

SEC. 3. That the Constable's District in the county of Union, in which Martin M. Berry is appointed, and discharges the duties of Constable, shall be extended in boundary so as include the residence of William Anderson, Esquire.

Union.

Approved February 12, 1838.

CHAP. 797—AN ACT to legalize certain proceedings of the Shelby County Court.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that for many years past, the Clerk of the Shelby County Court has been in the habit of making brief minutes of the proceedings of the said court, during the sitting of each term, which minutes were read over and signed by the presiding Magistrate before the adjournment of court, and that said Clerk would, during vacation, extend, write out and duly record said minutes and proceedings, in due form, in a record book by him kept for that purpose, and that said orders, thus recorded, were read at the succeeding court, approved of and signed by the presiding Justice: and, whereas, doubts exist whether said proceedings of said court and Clerk have been in exact accordance with law—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the proceedings of the Shelby County Court, and the records evidencing such proceedings, be and the same are hereby declared legal, obligatory, and binding, to the same extent and in as full and ample a manner as they would have been if said proceedings had been fully extended and recorded, and read over, and signed by the presiding Justice at each term of said court, before the adjournment thereof,

SEC. 2. That all copies of said orders, and proceedings of said court, when duly made out and properly certified by the Clerk of said court, or his deputy, shall be received and read

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as evidence in all cases, in as full and ample a manner as they would have been if said proceedings and records had been made in strict compliance with law.

Approved February 12, 1838.

CHAP. 798—AN ACT extending the powers of the Trustees of the town of Sharpsburg.

May levy a
tax.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Sharpsburg, in the county of Bath, may, and they are hereby empowered to assess an *ad valorem* tax upon all the real and personal estate within said town, that is now or may hereafter be taxed by the revenue laws of this Commonwealth, not exceeding fifty cents on each hundred dollars' worth of property.

Appoint an
assessor & col-
lector.

SEC. 2. That said Trustees may appoint an Assessor, to assess and affix the price of all property, both real and personal, (he being first duly sworn,) within said town, and the Trustees shall affix the sum to compensate said Assessor; and, also, to appoint a Collector to collect the revenue and levies, so assessed by said Trustees, whose duty it shall be to collect by distress, or otherwise, and to compensate him in the same manner and form as they shall compensate their Assessor.

May compel
foot ways to be
paved.

SEC. 3. That said Trustees may, at any time, so soon as they may deem it expedient, by an order of said Board, compel the owners of lots or town property to pave the foot ways, to the extent of their respective property, by fine or otherwise.

Approved February 12, 1838.

CHAP. 799—AN ACT to establish an election Precinct in the County of Graves, and for other purposes.

Graves coun-
ty.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and is hereby established, an election precinct in the county of Graves, to be known by the name of the Dublin Precinct; and the place of voting in said precinct shall be at the house of H. E. Brown, in the town of Dublin, in said county.

Nelson coun-
ty.

SEC. 2. That there shall be, and is hereby established, an election Precinct in the county of Nelson, to be known by the name of the Fairfield Precinct, and bounded as followeth: beginning at a point where the road from Bardstown to Fairfield crosses the main branch of Cox's creek; thence down the same to the Louisville road, and with said road to the county line, and with the line between Nelson and Spencer counties, to Simpson's creek, and up the same to

the forks thereof; thence in a straight line to include the farm of Dr. J. Montgomery; thence to the beginning.

1838.

SEC. 3. That the place of voting in said precinct shall be at the house now occupied by N. Y. Stanley, at which place any of the qualified voters of Nelson county may vote; and it shall be the duty of the County Court of said county to appoint all officers necessary to conduct elections at said precinct, agreeably to the laws of this Commonwealth regulating elections.

SEC. 4. That it shall be the duty of the several officers conducting the elections at the Flower creek, Grassy creek, and Fork Lick Precincts, in Pendleton county, to close the same on the first day at the usual hour in the evening, unless specially requested by some one of the candidates to continue the same another day.

Pendleton
county.

Approved February 12, 1838.

CHAP. 800.—AN ACT to incorporate the town of Bardstown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Bardstown, as laid off and described in the plat now recorded in the Nelson County Court, and enlarged by an act to extend the limits of said town, approved 23d February 1837, shall be known, and is hereby declared to be the extent and limits of said town: that, hereafter, the prudential, fiscal and municipal concerns of said town shall be vested in seven Trustees, who shall be elected annually, on the first Saturday in April, by the free white male inhabitants over the age of twenty one years, and who shall have resided in said town six months previous to said election; which said Trustees shall hold their offices for the term of one year, and until their successors shall be elected and qualified: that said Trustees, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, that they will faithfully, and without favor or affection to any one, discharge the duties of Trustees to said town, during their continuance in office; and in case a vacancy shall take place in said Board, the Board shall have power to fill said vacancy: that no person shall be a Trustee of said town who is not, at the time of holding the same, a citizen thereof, and who has not resided therein at least twelve months previous to his election.

Boundary es-
tablished.

Trustees to
be elected, and
their powers.

SEC. 2. That said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "the Board of Trustees of Bardstown," and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and

Corporate
powers.

1838.

Power of
the trustees.

may use either a common or private seal; and do all acts, matters, and things, which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

SEC. 3. That said Trustees shall have power to make and receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and side-walks, now in said town, or which may hereafter be opened; may direct the improvement of the same, in such manner as they may deem most beneficial to the interests of said town; they shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth; they shall have power to lay and collect a tax upon the property, as well as the citizens of said town, so as not to exceed, in any one year, the sum of one thousand dollars; they shall have power to tax all groceries, auction sales, shows and exhibitions for money, such sum as they, by their by-laws, may declare; they shall have power to suppress all tipling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty five dollars, for each offence, which may be recovered before the Police Judge; they shall have power to declare what are nuisances within said town, and may, by their order, direct the same to be abated, or may, by their by-laws, impose a fine on whomsoever may have caused the same; they shall have power to provide for the security of said town against fire, by organizing one or more fire companies, defining their duties, and punishing, by adequate fines and other penalties, those who shall fail to perform the duties required of them; they shall have power to regulate the market, appoint a market master, and such other officers as may be deemed necessary for that purpose; they shall have power to purchase and receive a conveyance for any quantity of ground, within the limits of said town, not exceeding one acre of ground—and it shall be lawful for said Trustees to erect a work house thereon, under the direction of a majority thereof, in such manner as they shall direct, to ordain and declare the rules and regulations for the government of said work house, and appoint all necessary officers thereof, with such compensation as said Board may ordain.

Trustees may
appoint officers

SEC. 4. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary, and take from them, respectively, bond, with approved security, payable to the Commonwealth of Kentucky, in such penalty as said Trustees may direct, conditioned for the discharge of their respective duties—and, for a violation of duty on the part of either of said officers, motions may be made, or suits brought, before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations, that motions are made or suits brought, against Sheriffs, Constables, or other officers, for failure of duty; and, moreover, the said Trustees, or a majority

of them, shall have power and authority to remove either of them for failing to do their duty, and appoint others in their places.

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Sec. 5. That it shall be the duty of said Treasurer and Clerk to keep a record of the proceedings, which properly belong to their respective offices; and it shall be the duty of said Treasurer to render an account to said Trustees, of all moneys received and paid out by him, whenever by them required so to do.

Duty of the Treasurer.

Sec. 6. That it shall be the duty of the Trustees to appoint one of their own body Chairman of said Board; and that no money shall be drawn from the Treasury, except by order of said Chairman, in pursuance of allowances made by said Board.

Chairman.

Sec. 7. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer to be styled "the Police Judge of Bardstown," who shall be commissioned as such during good behaviour, who, before he enters upon the duties of his office, shall take an oath before some Justice of the Peace to discharge the duties of his said office faithfully and impartially, to the best of his ability, without favor, affection or partiality, and to the best of his ability, without favor or affection to any, together with such other oaths as public officers are usually required to take. The said Police Judge shall have jurisdiction within the limits of said town, and within a square of two miles around said town, the court house in said town being taken for the centre, and one mile on the Louisville road being taken for one corner of said square, of all causes, civil and criminal, in which Justices of the Peace have jurisdiction, except as a court of enquiry in criminal cases, in which he shall have the jurisdiction now given by law to two Justices of the Peace; and shall proceed, in like manner, as said two Justices are required to proceed in criminal cases. He shall have jurisdiction of all offences arising under the by-laws of said town, and shall have power to enter judgment and award execution accordingly. He shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, under the same rules and regulations, prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, writs of *ne exeat*, and *habeas corpus*; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace. He shall have power to issue summons for witnesses to give evidence in cases pending before him, and upon their failure to attend, to issue compulsory process to compel their attendance. He shall have power to fine and imprison for contempt, provided that said fine shall in no wise exceed ten dollars, nor the imprisonment twelve hours. He shall have power to order the Marshal to summon a jury, in any cause cognizable before him, where a jury would be re-

Governor to appoint a Police Judge, and his powers.

1838.

quired before a Circuit Court, or a Justice of the Peace. It shall be lawful for said Police Judge to take depositions, and certify the same where they are to be read as evidence, in any cause pending in any court in this Commonwealth. He shall be entitled to the following fees, to-wit: for a peace warrant, or for a riot, rout, unlawful assembly, or breach of the peace, fifty cents; for issuing a warrant for a violation of the by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury and presiding over the trial in any case, except forcible entry and detainer, fifty cents; for taking recognizances to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; all other fees of said Judge shall be the same as those allowed Justices of the Peace for like services, and to be collected in the same way.

Appeals may
be taken.

SEC. 8. That upon all judgments rendered by the said Police Judge, either party shall have the right to appeal from said judgment, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

Duty and
powers of the
Marshal.

SEC. 9. That it shall be the duty of the Marshal to serve all process and precepts, to him directed, from the said Police Judge, and make due return thereof; collect all taxes of said town, executions and other demands, which may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions, or other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings, which may be had against Sheriffs and Constables in similar cases. The said Marshal shall be entitled to the same fees for collecting the town tax that Sheriffs are entitled to for collecting the county levy, and in all other cases the same fees allowed to Constables for similar services; provided, however, that the said Police Judge shall have power and authority to direct his process to be executed by any Constable of the county: and, provided further, that said Marshal shall be invested with all the power and authority which is given to Constables in all cases cognizable before said Police Judge.

Fines to be
paid to Treas-
urer.

SEC. 10. That all fines and forfeitures, for a violation of the ordinances of said town, in all cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said Board, for the use and benefit of said town, any law to the contrary notwithstanding; and all money collected by a judgment of a Justice of the Peace, for a violation of any of the ordinances of said town, committed within the limits of said town shall, in like manner, be paid over to the Treasurer.

SEC. 11. That all contracts already entered into by or with the Trustees of Bardstown, shall be obligatory on the Trustees elected under this act.

SEC. 12. This act shall take effect from its passage; provid-

ed, however, that the present Trustees shall continue to serve until their successors shall be elected and duly qualified according to the provisions of this act.

1838.

Approved February 12, 1838.

CHAP. 801—AN ACT to amend an act, entitled, an act incorporating the towns of Harrodsburg and Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the above act as limits its continuance to the period of two years, be and the same is hereby repealed.

Approved February 12, 1838.

CHAP. 802—AN ACT to repeal an act, entitled, an act concerning Ferries on Cumberland river, in Trigg County, approved 17th February, 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act concerning ferries on the Cumberland river, in Trigg county, approved the 17th day of February, 1837, be and the same is hereby repealed.

Approved February 12, 1838.

CHAP. 803—AN ACT to allow an additional Justice of the Peace and Constable to Floyd County, and for other purposes.

WHEREAS, it is represented that the Paint neighborhood, in Floyd county, suffer great inconvenience from the want of a Justice of the Peace and Constable—wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Floyd one additional Justice of the Peace and Constable.

A justice allowed to Floyd

SEC. 2. *Be it further enacted*, That Asariah D. Haynes' Constable district, in the county of Mercer, be and the same is hereby so enlarged as to include the town of Harrodsburg, and the angle embraced by the public roads leading from Harrodsburg to the mouth of Shawnee run and Shawneetown, and a line running east and west between said roads, and immediately to the south of John H. Slaughter's farm.

A constable's district in Mercer enlarged.

SEC. 3. *Be it further enacted*, That one additional Constable be allowed to the county of Gallatin.

Constable to Gallatin.

Approved February 12, 1838.

1838.

CHAP. 804—AN ACT to incorporate the town of Paducah, and for other purposes.

Town established.

Corporate powers.

Chairman & Trustees elected.

Who may vote for trustees.

Votes to be entered of record.

All officers to reside in town.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Paducah, as now established by law, within the boundaries defined in the plat of said town, shall be and is hereby declared to be the town of Paducah; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatsoever, and in all courts and places.

SEC. 2. That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in one principal officer, to be styled the Chairman of the Board of Trustees of Paducah, and six Trustees; all of whom, for the first time, shall be elected on the second Monday in March 1838, in the same way that the Trustees of said town have heretofore been elected, who shall hold their office for one year, and until their successors shall have been qualified. The Chairman shall be elected and hold his office for one year, and until his successor be duly qualified: all of whom shall be freeholders, and shall have resided in said town one year next preceeding their election.

SEC. 3. That on the second Monday in March 1838, and in each succeeding year, the free white male inhabitants in said town, over twenty one years of age, who have resided therein six months next preceding the time of the election, and who shall have paid up all arrearages due said town for his poll and other tax, for the preceeding year, (which upon being questioned, must be satisfactorily shown,) may vote for a Chairman and six Trustees, naming who they vote for as Chairman and who as Trustees. The Chairman and Trustees shall, before entering upon the discharge of the duties of their office, be qualified before some Justice of the Peace, to support the constitution of the United States and the State of Kentucky, and discharge their duties as Chairman and Trustees (to which office they may have been severally elected,) to the best of their ability, during the time they continue in office.

SEC. 4. That the Clerk of the Board of Trustees shall enter, on the records of the Board, the number of votes given to each person as Chairman, and to each person as Trustee; and the person having the highest number for Trustees, shall be the Chairman and Trustees for Paducah. The Chairman, Trustees, and all officers thereof to be appointed by them, shall reside and keep their office within the limits of said town during their continuance in office. Three months' absence from said town, by the Chairman or Trustees, shall vacate their office, by a resolution to that effect, by the remaining Trustees; and another, in such case, may be elected by them in their stead. And the Chairman of the Board of Trustees

shall be qualified before a Justice of the Peace; he shall be authorized to administer an oath to each and every Trustee, and all officers of said Board. The Chairman, with a majority of the Trustees elected, shall be capable of doing business in session; the Chairman shall preside and give the casting vote when there shall be a tie; he shall call the Board to order, and convene the Board when he may think proper. The Board of Trustees shall have power to enforce the by-laws and inflict penalties, not exceeding two dollars, on any member for non-attendance, at one meeting, to be applied for stationary, lights and fuel for said Board. The Chairman and Board of Trustees shall, annually, appoint a Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and other officers, as may be necessary to carry into effect the by-laws, rules and regulations made for the general welfare of the citizens of the town. The Trustees shall have power, in every year, twenty days' previous to the annual election in such years, to appoint two competent individuals, living within the limits of said town, Judges of the election, who being first duly sworn, shall, in conjunction with the Clerk of said Board, hold an election for Chairman and Trustees as directed in the foregoing section of this act; the Clerk shall advertise, at three of the most public places in said Town, fifteen days previous to holding such election, the time and place of holding the same. The Chairman and Board of Trustees shall have power and authority to impose fines upon all persons who shall be guilty of indecent or boisterous conduct, as disturbs the peace and dignity of said town. They shall have power and authority to impose fines upon persons who shall be guilty of running horses, profane swearing, shooting guns, or making reports, by the burning of powder, blowing horns, crying aloud by day or night, and all riotous conduct within said town; the fines, for such offences, to be ascertained by a jury, as in cases of breaches of the peace, in any sum not exceeding twenty dollars for each offence.

Sec. 5. That non-residents' property, real and personal, may be sold for taxes, subject to redemption in three years, with twenty per cent per annum on debt, with costs thereon. The Clerk shall report to the Board the ground belonging to non-residents, who may, by resolution, order a sale; which resolution shall be signed by the Clerk and Chairman, a copy of which shall, by the Marshal, be duly advertised, for thirty days, in some newspaper published in said town; after the expiration of the time advertised, on the return of the Marshal that the taxes have not been paid, the Chairman shall issue an order of sale, to be executed by the Marshal, who is hereby authorized to convey to the purchaser the ground sold by him for debts and costs, subject to redemption as aforesaid.

Sec. 6. That the Chairman of the Board of Trustees shall require bond, with sufficient security, in adequate penalties, payable to the Chairman and Board of Trustees, from the

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Officers to take oath.

Powers and duties of chairman.

Shall appoint town officers.

Powers of Trustees.

Property of non-residents may be sold for taxes.

And title conveyed.

Officers of the town to give bond.

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Clerk, Assessor, Treasurer, Marshal, Market Master, and all other officers appointed by them to fill responsible offices. A lien shall be taken on the lands and slaves belonging to such officers, and their sureties, from the time of the execution of said bonds, for all sums of money that shall come into their hands; they shall be liable to judgment from the McCracken Circuit Court in favor of the Chairman and Board of Trustees, or any person entitled to money collected by them, in like manner as Sheriffs are liable. In all suits against the Chairman and Board of Trustees, a notice served upon the Chairman shall be sufficient to authorize the Court or Justice to hear and determine such case. The Clerk, and all officers appointed by the Chairman and Board of Trustees, shall have been citizens of said town at least six months next preceding their appointment to office.

Duties of the
clerk.

Sec. 7. That after the Clerk shall have been duly qualified, and given bond and security, it shall be his duty to preserve the books, papers, records, and every thing belonging to the office, and the same to be delivered to his successor in office; he shall keep a regular journal of the proceedings of the Board, with a regular account of all the fiscal concerns thereof; he shall record all the acts, resolutions and orders of the Board; he shall take all bonds, agreements, records, and preserve all contracts between the Chairman and Board of Trustees and all other persons; he shall copy and sign all resolutions, orders, claims and allowances, when required to do so by persons having claims against the Board; he shall make out a fair list of the persons liable to pay tax, with the amount of their property and tax enlisted in alphabetical order, and place the same in the hands of the Treasurer, on or before the twentieth of June annually; he shall file and preserve the report of the Treasurer, of those persons who may have paid their tax, on or before the twentieth of July annually; he shall make out, and place in the possession of the Marshal, a list of the persons, with the property and tax remaining unpaid, on or before the twentieth of August annually.

Duties of
assessor.

Sec. 8. That the Chairman and Board of Trustees shall appoint, annually, from amongst the citizens of said town, an Assessor, who shall be qualified and give bond, with approved security, conditioned as required by the Board of Trustees; who shall call upon all the taxable persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the Assessor. If any person or persons shall refuse to give a list of his or her property, or be absent, the Assessor shall make out a list from the best information he can obtain; the Assessor's list shall be taken so as to include all free white males over twenty one years of age, all slaves with their value, all tavern keepers, grocers, coffee-house keepers, victuallers, retailers of spirits, confectioners, with all other species of property, made taxable by the Chairman and Board

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of Trustees under this act. The Assessor shall, on or before the twentieth of April, annually, complete and return the list, so taken, to the Board of Trustees, who shall give notice that any of the inhabitants who may feel themselves aggrieved by the valuation of the Assessor, may appear before them, at a stated meeting to be held for such purpose, on or before the fifteenth day of May in each year, with their evidence, to show the true valuation of such property; the Trustees, on proof being made to them, may change such valuation. The Clerk shall record said list in a book to be kept for such purpose.

SEC. 9. That the Chairman and Board of Trustees shall qualify, and take bond and sufficient security from, the Treasurer, in any sum not less than two thousand dollars, or double the estimated tax and revenues of said town, conditioned to perform his duties, recoverable in the McCracken Circuit Court according to law. The Treasurer shall receive and give receipts for all moneys paid or received; he shall receive and receipt for all moneys paid to the Board of Trustees; he shall keep a fair record of all the fiscal concerns of the Board, and record, in order, the appropriations of said Board, as certified to him by the Clerk, and pay the same according to their order; he shall pay no money without receiving a copy of a resolution of the Board of Trustees, signed by the Clerk, making such appropriation; he shall file all received by him for settlement, by resolution of the Board; his books shall, at all times, be open to the inspection of persons having claims against the Board, with reasonable notice. The Clerk shall, on or before the first of June, annually, take into possession a fair list of taxable property, with the amount payable from each person; the Clerk shall advertise that a discount of six per cent will be allowed to each person who shall pay their tax to said Treasurer on or before the first day of August ensuing there-to; the Treasurer shall be and he is hereby authorized to receive and receipt to all persons who may pay their tax within said time. The Treasurer shall, on or before the tenth of August, annually, report to the Board of Trustees a true list of the tax received by him, with a list of those persons whose tax remains unpaid at that time; the Treasurer shall be allowed two and a half per cent, at least, for all moneys received and paid out by him, according to the provisions of this act; when required by the Chairman or Board of Trustees, he shall attend and report to the Board, and at all times be ready for settlement. The Treasurer, and all other officers, shall be liable to be removed by resolution of the Board of Trustees, two thirds of all the Board concurring therein. The Clerk shall, on or before the twentieth day of August, annually, place in the possession of the Marshal, a list of the taxable persons and property remaining unpaid, at such time, for collection, according to the order of the Board.

Duties of
treasurer.

SEC. 10. That the Chairman and Board of Trustees shall,

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Duties of
the marshal.

annually, appoint a Marshal, who shall be duly qualified and give bond and security, in a sum not less than three thousand dollars, to be received as the bond of the Treasurer of the Board of Trustees; he shall have all the power and authority within the town of Paducah, to collect the town tax, as Sheriffs have in collecting the county levy and State revenue.

Chairman
shall have con-
trol of market
house and reg-
ulate same.

Marketmas-
ter shall give
bond.

Sec. 11. That the Chairman and Board of Trustees shall have the control and care of the market house; they shall, annually, at their first meeting, appoint a market Master, who shall be duly qualified and give bond and security, to be approved by the Chairman and Board of Trustees, faithfully to perform the duties assigned him by the Board; he shall rent the stalls, license persons to sell meats and all other articles, under the direction of said Board of Trustees; the bonds, notes and accounts taken shall be payable to the Chairman and Board of Trustees; the bonds, notes and accounts shall be collected by the Marshal before, and by judgment of the Chairman, as other debts before a Justice of the Peace. The Chairman and Board of Trustees shall have full power and authority to pass by-laws, rules, and regulations, for the governing the market, not contrary to the constitution of Kentucky; they may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars, for any offence, recoverable before any Justice of the Peace for said county.

Powers and
duties of trust-
ees, &c.

Sec. 12. That the Chairman and Board of Trustees shall be authorized, annually, to make a reasonable appropriation for the payment of the officers of the Board of Trustees; they shall have power and authority to receive and hold real and personal estate, by purchase, devise, bequest, or donation, for the purpose of establishing school houses, for males or females, in said town; and on their application to invest the same, together with the rents and proceeds thereof, at their discretion, into a college or seminary of learning. They shall have the power and authority to make rules and regulations for the good government of such schools, by appointing officers and Trustees, who may employ teachers and superintendents to manage the same, for the general welfare of the citizens of said town. They shall have power and authority to purchase a burying ground, within McCracken county, not more than five acres, and to be within two miles of the limits of Paducah, to be deeded to the Trustees of Paducah. They shall have power to appoint proper persons to take charge of, and protect such ground, under their control and direction. They shall have power and authority to establish a fire company in said town; to appoint and confirm the officers selected by said company, and to confirm all their by-laws, rules and regulations for the government thereof. They shall have power to buy fire engines, build engine houses, and appoint proper persons to preserve and take care of the same. They shall have power and authority to impose fines and penalties for the enforcement of the by-laws of the said fire company,

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in a sum not exceeding ten dollars for any one offence, to be recovered before a Justice of the Peace in said county. They shall have power and authority to establish a watch house and work house, and appoint watchmen and other officers to superintend such houses, and apprehend offenders and take them before the Chairman, to be dealt with according to the by-laws of said town.

SEC. 13. That the Chairman and Board of Trustees shall have power and authority to assess, levy and collect a tax on all real and personal estate within the limits of said town, not to exceed thirty cents on the hundred dollars' worth of property, or double the amount paid as revenue to the State upon the same. They shall have power to levy and collect a poll tax not exceeding one dollar and fifty cents on all free male persons in said town over the age of twenty one years. They shall have the right to tax stores, taverns, grocers, and retailers of spirituous liquors any sum not exceeding fifty dollars. They shall have the right to tax victuallers, confectioners and retailers of wares and merchandize, any sum not exceeding thirty dollars. They shall have the right to tax coffee or exchange houses any sum not exceeding fifty dollars, and to grant licenses to taverns, grocers, retailers of spirituous or malt liquors, victuallers, coffee houses, exchange and confectioners. They shall have the power to tax all kinds of domestic animals within said town. They may tax all theatrical performers, shows and exhibitions of all kinds, in any sum not exceeding ten dollars for such exhibition on any one day. They shall have power to pass by-laws and ordinances for the enforcement of the powers granted by this act, by inflicting adequate penalties for the enforcement of the same. The Clerk may issue license for taverns, grocers, retailers of spirituous or malt liquors, victuallers, coffee houses, exchanges, theatrical performances, shows and all kinds of exhibitions, upon the application for the same, showing at the same time a receipt signed by the Treasurer or Marshal, for the sum levied by the Chairman and Board of Trustees, and that such sum had been paid. They shall have power and authority to tax all auctioneers, in a sum not exceeding three per cent for all goods, wares, merchandize and articles sold to bidders within said town, except property sold by citizens, of their own manufacture, sold by order of court, or by executors, administrators, or guardians. They shall have power to license drays, wagons, carts, hacks and coaches, plying in said town for hire. They shall have a lien on all real and personal estate within said town until the taxes are paid; all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale, according to this act, and the order of the Board. The Chairman and Board of Trustees may lay and levy the taxes for the current year, at the first meeting after the Assessor shall return his list of the estimates laid before them by the Chairman, for the well government of the town. They

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shall have power and authority to establish free schools in said town, and to receive donations for such purposes, and govern the same under such rules and regulations as they may establish. They shall have power and authority to impose fines and penalties on persons for profane swearing, drunkenness, and all improper and indecent conduct, in any sum not exceeding ten dollars for every such offence. They shall have power and authority to clear the streets, alleys and passways from all obstructions, and remove nuisances, by imposing fines and penalties for such offences, within said town. They shall have power and authority to sink cisterns and wells, and erect pumps and keep open all springs in said town, and keep them in repair, and to declare them free by a jury, before the Chairman, if in their opinion the welfare of the citizens of said town require it. They shall have power and authority to preserve and protect, free from incumbrance, all the public ground and improvements belonging to the public in said town. They shall have power and authority to receive conveyances from owners of ground within said town, for the purpose of extending the streets and alleys therein. The Chairman and Board of Trustees shall have power and authority to cause the streets and alleys, with the side walks in said town to be paved, or turnpiked, at the cost and expense of the owners of the grounds fronting such street, alley or side walk. When a majority of the owners of the ground residing upon such street, alley, or side walk, shall petition to the Chairman and Board of Trustees to pave, grade or turnpike such street or alley, or when the owners of the most of the ground fronting upon such street or alley shall, in like manner, petition the Chairman and Board of Trustees, shall, by resolution, order such work to be done in the way and manner they may direct; they shall cause the paving of any street or alley to be finished when the owner or owners of lots on such streets or alleys, shall have finished one equal half of the street adjoining their grounds and opposite thereto. They shall have power and authority to cause the owners of private alleys, stables, lots and pens, to have them cleaned, when they shall become filthy and considered as a nuisance by the Chairman and Board of Trustees, by imposing fines and penalties not exceeding ten dollars for each offence. The Trustees shall hold a lien upon such ground as fronts the pavements, ordered to be made by them, for the payment of such improvements. They shall have power to order the collection of the same by the sale of ground, or so much thereof as will satisfy the claim, with costs, subject to be redeemed in three years, with interest at twenty per cent annually, to the purchaser or his assigns, from the original owner or his assigns, who did not petition for such improvements: *Provided*, That infants shall have two years after they arrive at twenty one years of age, on the like terms, to redeem their grounds. They shall have power and authority to establish a house to confine common mendicants, vagrants,

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and all persons who may be confined by the Justices of the Peace, or by a jury, within said town, for breaches of the peace, riots, routs and unlawful assemblies, or any other offences against the by-laws and ordinances of the said Chairman and Board of Trustees, to be employed in labor, as they may be directed, under the care and management of a person or persons appointed by said Board; persons committed shall be sent there by warrants, stating the time for which they were condemned, to be discharged by the Governor of this Commonwealth, if, in his opinion, the time of their confinement should be shortened. They shall have power and authority to appoint officers to superintend the same, in a way not contrary to the constitution of the United States, or of the State Kentucky.

SEC. 14. That if any person or persons in the town of Paducah shall presume to keep a coffee house, exchange house, tavern, grocery, or retail spirituous liquors by the small, in any way whatever, without first having obtained a license as directed, shall be fined the sum of fifty dollars.

Fine for keep-
ing grocery
without license.

SEC. 15. That upon the organization and qualification of said Chairman and Board of Trustees, it shall be the duty of the present Board of Trustees of said town to surrender the books, papers, and all other things pertaining to said Board and belonging to said town, to the said Chairman and Board of Trustees, who shall have power and authority to confirm the acts of their predecessors, and direct conveyances to be made, of real estate sold under resolutions of their predecessors, to the purchasers.

Present trust-
ees to surren-
der books, &c.

SEC. 16. That all taxes to be raised, and fines, penalties and forfeitures, accruing under this act, be and the same is hereby appropriated for the benefit and improvement of said town. All acts and parts of acts concerning the town of Paducah, and being within the purview of this act, be and the same is hereby repealed; and this act shall be in force from and after the Chairman and Board of Trustees shall be elected.

All fines ap-
propriated to
benefit of town.

SEC. 17. That for the purpose of recovering all penalties and forfeitures herein designated, or that shall accrue under any ordinance or by-law that may be passed by said Board of Trustees, the said Board is authorized to sue for the same before any Justice of the Peace having jurisdiction of the same, or in any of the courts of record in this Commonwealth—which suits shall be in the name of the Chairman and Board of Trustees of the town of Paducah.

Trustees may
sue for and re-
cover fines.

Approved February 13, 1838.

CHAP. 803—AN ACT for the benefit of the personal representatives of William Millen, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the administrators of William*

1838.

May file a
bill.

Millen, deceased, are authorized to file a petition in the Marion Circuit Court, making the heirs of said decedent defendants thereto, and alleging the condition of the estate, the amount of debts against said estate that are yet unpaid, and that the personal estate is exhausted, and praying for the sale of a certain house and lot in the town of Raywick, in Marion county, belonging to the estate of said Millen, for the purpose of the payment of said debts.

Court may
decree a sale
and appoint a
commissioner.

SEC. 2. That whenever it shall appear to said court, that the heirs of said Millen have been duly served with process, or having filed their answers, by themselves, if of age, or their guardian *ad litem*, if under age, and that the personal estate has been exhausted, and that debts yet remain unpaid, may render a decree directing the sale of said house and lot, subject to the widow's dower, on such credit and in such manner as shall seem most advisable to said court; and appoint a commissioner to carry into effect said decree; and said court may require said administrators to give bond and security for the faithful administration of the proceeds of said sale, and the payment of the surplus, if any, to the heirs; and the said court may direct such title to be made to the purchaser or purchasers of said estate, at such time and in such manner, as shall seem best: *Provided, however*, That nothing in this act shall be so construed as to prevent said court from rendering a decree thereon at the first term of said court, if it shall appear advisable, necessary, or expedient so to do.

Approved February 13, 1838.

CHAP. 806—AN ACT to improve the roads in Logan County, and for other purposes.

Vacant land
vested.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the vacant and unappropriated lands lying south of Logan county, in the territory which lies between Walker's line and the line in latitude thirty six degrees thirty minutes, north, in the State of Tennessee, be and the same is hereby appropriated to Logan county for the purpose of improving the roads and building of bridges in said county: *Provided, however*, That this act shall not prevent those who now hold treasury land office warrants from locating, surveying and patenting the same.

Register to
issue warrants
and patents.

SEC. 2. That the Register of the Land office be, and he is hereby authorized and required, to issue land warrants in the name of the County Court of Logan, at any time, for such amount as the said court may require, without the State price therefor being paid, to be located south and opposite said county, between Walker's line and latitude thirty six degrees and thirty minutes, north, in Tennessee.

SEC. 3. That the County Court of Logan may appoint an agent, to locate, or to sell and assign said warrants, or any

part of the same, who shall enter into bond, with security, in said County Court, in such sum as said court may think proper, for the faithful discharge of his duty; and when such sale shall be made, and the money arising therefrom collected, the County Court shall apply the same to the improvement of such public highways or bridges in said county as they may think proper.

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County court
may appoint an
agent.

SEC. 4. That when any survey shall be returned to the Register's office, the Register of the Land Office is hereby directed to register the same, and issue patents therefor without fee or charge.

Approved February 13, 1838.

CHAP. 807—AN ACT to legalize the proceedings of the President and Directors of the Augusta, Cynthiana and Georgetown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the actings and doings of the President and Directors of the Augusta, Cynthiana and Georgetown Turnpike Road Company, which was done at a meeting of said President and Directors, held on the 22d day of May, 1837, at Claysville, shall be and the same is hereby legalized, and made good and valid to all intent and purposes.

Approved February 13, 1838.

CHAP. 808—AN ACT for the benefit of Watkins W. Winn, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office be and he is hereby authorized to receive and register certified copies of the following plats and certificates, to-wit: one in the name of Watkins W. Winn and Robert M. Martin, assignee of Henry L. Cartwright, &c. for one hundred acres of land, lying in Union county, surveyed by virtue of a Kentucky land office warrant, No. 21,082, bearing date the 17th day of June, 1831, and one other in the name of Nathaniel Holmes, assignee of William Martin, assignee of Henry L. Cartwright, &c. for fifty acres of land, in Union county, surveyed by virtue of part of a Kentucky land office warrant, No. 21,082, and bearing date the 17th day of June, 1831, and surveyed the 23d June, 1832, and one in the name of Daniel Morrow, assignee of J. T. Pierson, for fifty acres of land, lying in Union county, surveyed the 19th day of June, 1832, by virtue of part of a Kentucky land office warrant, No. 20,519, and bearing date the 10th day of January, 1831.

SEC. 2. That when the proprietors of said surveys shall return certified copies of said surveys, (the originals being heretofore lost,) the said Register is hereby authorized to receive

1838. and register the same, and execute receipts therefor, in the same manner as if the original had been returned.

Approved February 13, 1838.

HAP. 809—AN ACT to increase the resources of the Sinking Fund.

Dividends of
State in Bank
of Kentucky
applied to Sink-
ing Fund.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the surplus dividends which may hereafter be declared upon stocks held by the State of Kentucky in the Bank of Kentucky, shall, by the consent of said Bank, be paid over to the Commissioners of the Sinking Fund, for the purpose of paying interest, which may be due upon the bonds or scrip of the State, sold for purposes of internal improvement: *Provided however,* said Commissioners shall not apply said surplus dividend to the payment of interest, if they shall have in their hands funds sufficient, received from other sources, to pay the same; but shall reinvest the same with all the accumulated profits, in stock in said Bank, until the second million provided by the charter to be taken by the State, shall have been completed.

If Bank re-
fuses to pay, to
notify Govern-
or.

SEC. 2. That if said Bank shall refuse its assent to the payment of said surplus dividends, as provided by the first section of this act, it shall be the duty of the President of said Bank, on or before the first day of May next, to notify the Governor of the Commonwealth of Kentucky of such refusal; then, and in that case, if said dividends shall be necessary to pay the interest aforesaid, it shall be the duty of the Governor, and he is hereby directed, to issue the bonds or scrip of the State, redeemable at any time after the expiration of the charter, bearing a rate of interest not exceeding six per centum per annum, which shall be sold to an amount sufficient to complete the subscription of stock in the second million provided by the charter of said Bank of Kentucky.

Governor may
sell State bonds
&c.

SEC. 3. That should said bonds or scrip be not sold by the Governor of Kentucky, before the receipt of the surplus revenue under the law of the United States, to which Kentucky may be entitled, then, and in that case the Governor shall not sell said bonds, but the money so received, shall be subscribed as stock in said Bank, or so much thereof as may be necessary to complete the subscription of stock in said second million; and should there be more than is necessary to complete said subscription, the remainder shall be paid over to the Commissioners of the Sinking Fund, who shall subscribe the same as stock in the Bank of Louisville, under the provisions of an act, entitled, an act to restore the privileges of the Banks of this Commonwealth, when they shall resume specie payments. The profits arising from said subscriptions shall be set apart, and forever held sacred, for the purpose of paying interest on bonds or scrip sold for the purpose of internal improvement.

Commission-
ers of Sinking
Fund may sub-
scribe stock in
Bank of Louis-
ville.

SEC. 4. That the Commissioners of the Sinking Fund, for and on behalf of the Commonwealth of Kentucky shall forthwith vest and subscribe the same in stock in the Bank of Kentucky, or Bank of Louisville, or the purchase of stock in the Bank of Louisville, the Bank of Kentucky, or the Northern Bank of Kentucky, any moneys which may come to their hands, and which may not be necessary for the payment of interest on bonds sold for purposes of internal improvement.

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Commissioners may vest proceeds in stock in banks.

SEC. 5. That all moneys arising from the sale, rent, or lease, of any privilege of water power, at any of the Locks and Dams on any of the rivers in this State, which may be improved by slackwater, shall be paid over to the Commissioners of the Sinking Fund.

Proceeds of water power at locks. &c.

Approved February 13, 1838.

CHAP. 810—AN ACT extending the time for completing the Franklin portion of the Crab Orchard Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years be allowed the Board of Internal Improvement for Franklin county, created under the acts to provide for the improvement of the road from Franklin county to the Crab Orchard, approved 22d February, 1834, and the amendatory act, approved 9th February, 1837, to fill their subscriptions and complete the road according to said acts.

Approved February 13, 1838.

CHAP. 811—AN ACT for the benefit of Shelby College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Trustees of Shelby College to make a permanent investment, in safe and profitable stocks, of all moneys which they may raise from and out of the lottery scheme, which, by law, they are entitled to sell or put in operation for the benefit of said College.

Approved February 13, 1838.

CHAP. 812—AN ACT to reduce the size of the Public Square in the town of Bedford, in Trimble County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that some of the citizens of the town of Bedford, in Trimble county, owning lots on the west side of the public square in said town, have, by mistake and in ignorance of the true line between their several lots and

1838.

the public square, encroached to some small extent upon the public square, and erected buildings thereon—for remedy whereof,

County court
to appoint com-
missioners to
value property.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the County Court of Trimble county, upon the application of any citizen of the town of Bedford, in the county of Trimble, who may have erected buildings, or enclosed ground on the west side of the public square in said town to appoint three Commissioners, any two of whom may act, who, after having been first duly sworn, impartially to value that part of the west side of the public square in the occupancy of each individual, shall proceed to value the same, unconnected with the improvements thereon, and their valuation, so made, shall report to the said County Court at their next term, with the names of the individuals respectively owning the lots adjoining that part of the public square occupied by them.

County court
to make cou-
veyances.

SEC. 2. That whenever the owner of any lot adjoining to that portion of the public square occupied by each of them, respectively, shall have paid to the collector of the county levy of said county, the sum at which that portion occupied by him shall have been valued by said Commissioners, and produced his receipt for the same, it shall be the duty of the said County Court to convey the same, by proper deed, to such individual.

Proceeds, how
appropriated.

SEC. 3. That the proceeds of the said ground shall be appropriated to the improvement of the public square in the town of Bedford, under the direction of the County Court of Trimble county.

Approved February 13, 1838.

CHAP. 813—AN ACT appropriating the profits of the Penitentiary to the Sinking Fund.

Profits of pen-
itentiary ap-
plied to Sink-
ing Fund.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the annual profits of the Penitentiary, arising from the Penitentiary, shall be and are hereby appropriated to the Sinking Fund; and it shall be the duty of the Keeper to report, semi-annually, on the first Monday of June and December in each year, to the Commissioners of the Sinking Fund, and pay over to them the Commonwealth's proportion of the profits.

Commission-
ers to settle
with late keep-
er.

SEC. 2. The Commissioners of the Sinking Fund shall be and they are hereby authorized to settle the accounts of Joel Scott, late Keeper of the Penitentiary, and receive whatever balance may be due to the Commonwealth, as a part of the Sinking Fund.

Present keep-
er to pay.

SEC. 3. Said Keeper shall forthwith report and pay to said Commissioners, as a part of the Sinking Fund, the Commonwealth's portion of said profits, which have accrued since he came into office.

SEC. 4. Provided, that nothing herein contained shall be construed to repeal the act, entitled, an act to amend the penal laws, and to authorize certain improvements within the walls of the Penitentiary, approved February 29th, 1836; but the number of additional dormitories to be built in said Penitentiary shall be prescribed by the Commissioners of the Sinking Fund, notwithstanding any thing in said recited act contained.

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Additional
dormitories to
be built.

Approved February 15, 1838.

CHAP. 814—AN ACT to change the place of voting from Paoli, in Clinton County, to Albany, the County seat of said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the election precinct at Paoli, in Clinton county, be and the same is hereby changed to Albany, the county seat of said county; and it shall be the duty of the County Court of said county to appoint Judges and a Clerk of the election, who shall meet at the court house in said town, and conduct the elections according to the laws of this Commonwealth regulating elections.

Approved February 15, 1838.

CHAP. 815—AN ACT concerning the public roads in Mason County.

WHEREAS, the act to amend the law in relation to the opening and repairing the public roads in certain counties, approved January 29th, 1830, is in force in the county of Mason, and it is represented that the good people of said county are much divided in sentiment as to the continuance of said system, or returning to the former mode of opening and repairing the public roads in said county—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Judges of the several election precincts in said county, and, also, at the court house, at the next August election, to open two columns—in one of which shall be set down the votes of those who are in favor of working the roads according to the provisions of the act of the 29th of January, 1830, and in the other column shall be set down the votes of those who are in favor of working the roads in said county according to the general laws now in force in relation to public roads; and the Sheriffs who compare the polls of said county shall certify the result to the Justices of the County Court.

A vote to be
taken in rela-
tion to the
laws concern-
ing the roads.

SEC. 2. The amount of revenue to be paid by each individual, in money or labour, for the improvement of the public roads in said county, shall not, hereafter, exceed the sum of three cents for each hundred dollars. This act to be in force from the time of its passage.

The tax not
to exceed 3 cts.
on the \$100.

Approved February 15, 1838.

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CHAP. 816—AN ACT to amend an act, approved 23d February, 1837, entitled, an act for the benefit of the Winchester and Lexington Turnpike Road Company.

Stock authorized to be subscribed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be and they are hereby authorized and required to ascertain the amount required to complete the turnpike road from Winchester to Lexington, over and above the amount of stock already subscribed to said road by the State and individuals, and they are directed to subscribe and pay, upon the part of the Commonwealth, one half of the amount necessary for its completion: provided however, that this subscription is authorized and directed upon the condition that the contractor on said road, Lewis Vemont, shall release the entire stock and dividends accruing to the State, pledged to him by virtue of the contract between said Lewis Vemont and the Winchester and Lexington Turnpike Road Company: provided further, that nothing in this act contained shall be construed to release the stock and dividends of the individual stockholders, secured to said Vemont, under said contract.

Approved February 15, 1838.

CHAP. 817—AN ACT to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

In what cases a traverse of allegations in the bill unnecessary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any complainant, or complainants, shall file a bill, under the provisions of the act to which this is an amendment, and shall allege that the facts, or any of them, on which the complainants' demand is founded are within the personal knowledge of the defendants, or any one or more of them, and shall state in what manner the facts came to the knowledge of the party, and that the same cannot be proved to the knowledge of the complainant, or complainants, by any person within this Commonwealth, and, therefore, the oath of the defendant is required, and shall support the bill by oath or affirmation, if no answer shall be put in, the general traverse shall not apply, but all such allegations shall be taken as confessed.

Attornies to be appointed in certain cases.

SEC. 2. That it shall be the duty of all the courts in this Commonwealth, where they enter an order for the appearance of any defendant, or defendants, under the provisions of the tenth section of the act to which this is an amendment, and when the bill seeks to attach the effects of any such defendant, at the same time, to appoint some attorney of the court to defend for such defendant, and shall have authority to make an order for his compensation out of the attached effects. It shall be the duty of the attorney, so appointed, forthwith to inform such defendant of the pendency of the suit, and all

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such other information as he may deem proper to the full understanding of the case. It shall be lawful to give to the attorney, so appointed, notice to take depositions, and of such other proceedings in the prosecution of the suit that may require notice.

Sec. 3. That in all suits in chancery, where one or more of the complainants or defendants shall die during the pendency of the same, if the cause of action will admit of survivorship, the suit shall progress against the surviving defendants, or in favor of the surviving complainants, as the cause may be; but if the cause of action will not admit of survivorship, and the court shall be of opinion that the merits of the controversy can properly be adjudicated upon and determined, and the principles, applicable to the case, fully settled without a revivor, the court may proceed to try the cause, as between the surviving parties; but no order or decree rendered shall prejudice those who are not parties thereto at the time of trial.

Suits not to abate by death of one of the parties.

Sec. 4. That in all suits, in chancery, where it shall become necessary for the complainant to take depositions, and the defendant resides out of the Commonwealth, or is unknown, and has no known agent or attorney within the State, it shall be lawful for the complainant to file, in the Clerk's office of the court where such suit may be depending, a notice of the time and place where said depositions are to be taken, and in what suit to be read; which notice shall be filed there at least ten days before the day on which the depositions are to be taken, and shall be as effectual as if served on the defendant in proper person; and all depositions, so taken, shall be filed and read in evidence, under like rules and restrictions as if notice had been duly given to the opposite party; and all laws requiring a publication of notice in any public newspaper, in such cases, are hereby repealed.

Notice to take depositions to be filed in the clerk's office.

Not to be published.

Approved February 15, 1838.

CHAP. 818—AN ACT for the benefit of the Sheriff of Clay County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That further time is allowed to the Sheriff of Clay county, until the first day of September, in the year one thousand eight hundred and thirty eight, for the payment into the Public Treasury of the revenue tax of said county, collected and due in the year 1837: provided, however, that this act shall not be in force unless the securities of said Sheriff, on or before the first Monday of May, in the year one thousand eight hundred and thirty eight, in the County Court of said county, agree of record to the indulgence hereby extended to said Sheriff.

Approved February 15, 1838.

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CHAP. 819—AN ACT for the benefit of Elizabeth Hern.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between Elizabeth and William Richardson is dissolved, and the marriage of the said Elizabeth with Jackson Hern legalized, and she is released from the penalties of marrying a second husband during the life of the first.

Approved February 15, 1838.

CHAP. 820—AN ACT to authorize the Trustees of Winchester to purchase a fire engine.

May raise
tax to purchase
fire engine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Winchester are hereby authorized, by an *ad valorem* and poll tax, to raise such sum of money as they may deem sufficient for the purchase of a fire engine, and the necessary apparatus, for the use of said town; said tax to be laid and collected at any time after the first day of March next, and to be based on the last assessor's list, made out and returned by the assessors of said town; and which sum shall be in addition to the sum authorized to be laid and collected in said town, by the laws now in force regulating said town; provided, that the Trustees, aforesaid, shall not exercise said power, unless a majority of the qualified voters of said town, at a poll to be opened by said Trustees on the twenty fourth day of this month, for the purpose of ascertaining their sense on the subject, concur in the expediency of the exercise of said power by said Trustees: provided further, that said sum may be raised in several instalments, collectable in different years.

The sum to
be raised in in-
stalments.

Approved February 15, 1838.

CHAP. 821—AN ACT to authorize the County Court of Henry County to lay an additional levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Henry county, a majority of all the Justices of the Peace concurring therein, shall be and is hereby authorized to lay an additional levy for said county, not exceeding seventy five cents per tythe for the year 1838.

Approved February 15, 1838.

CHAP. 822—AN ACT to amend an act, entitled, an act to amend an act, approved 28th February, 1835, entitled, an act to incorporate the town of Frankfort, approved February 12th, 1837.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Trustees of the

town of Frankfort shall have power and authority to cause all stores and groceries, within the limits of the town aforesaid, to be rated—first, second and third rate—levy and collect a tax on each, not exceeding fifty dollars per year; and when stores are taxed according to their rate, the goods therein shall not be valued and included in the assessments of property for taxation in said town.

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Authorized
to tax stores &
groceries.

SEC. 2. Said Board of Trustees shall have a right to tax, and the exclusive right to licence, all taverns, groceries, victuallers, confectioners, retailers, and houses of public resort, except gambling houses or houses of ill fame, within said town, and fix the tax therefor, not exceeding the sum of two hundred dollars; and discontinue the same at pleasure: provided, that said Board of Trustees shall cause their Treasurer to pay, annually, into the Public Treasury, out of said tax, the amount belonging to the public revenue: and said Board of Trustees shall be bound to make the annual reports of the amount of tax received, and pay over the same as required of the Clerks of the County Courts, under the same penalties, and liable to be proceeded against by the Auditor for any default, in the same manner.

Town to have
exclusive right
to license tav-
erns, &c. there-
in.

Annual re-
ports of taxes
collected to be
made.

SEC. 3. *Be it further enacted*, That any law giving the County Court of Franklin county the power to grant tavern licence, within the limits of said town, be and the same is hereby repealed: provided, that the provisions of this act shall, in no wise, change the mode of listing merchandize for taxation in said town for the State revenue, or the collection of the tax thereon.

Power of
county court
repealed.

Approved February 15, 1838.

CHAP. 823—AN ACT allowing further time to Sheriffs to return delinquent lists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriffs of this Commonwealth shall be allowed further time until the first day of July, one thousand eight hundred and thirty eight, to make out and return their delinquent lists of revenue tax and Jury fees; and for such lists, when duly certified by the County Courts, the Auditor of Public Accounts shall give credit to said Sheriffs, on settlement of their revenue tax due in the year one thousand eight hundred and thirty seven; or in cases where said revenue tax has been paid, issue warrants on the Public Treasury for the amount so certified in said delinquent list.

Approved February 15, 1838.

1838.

CHAP. 824—AN ACT to incorporate the Louisville Gas and Water Company.

Capital stock
and number of
shares.

Created a
corporation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company, to be called "the Louisville Gas and Water Company," shall be and the same is hereby established, with a capital of twelve hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for, by individuals, companies, and corporations, as hereafter directed; and the subscribers to the stock of said company, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of "the Louisville Gas and Water Company," and shall so continue for thirty years from the first day of January, 1839, and by that name and style, under the restrictions hereafter prescribed, shall be as capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts, and elsewhere, as natural persons; and may have and use a common seal, and change, alter and renew the same at pleasure; and may ordain and put in execution such by-laws, rules and regulations for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the constitution or laws of this State, or of the United States.

To construct
gas and water
works.

May borrow
and loan mon-
ey.

May discount
bills, &c.

SEC. 2. That said company shall keep an office in the city of Louisville, and its business shall be to construct and establish Gas and Water Works in the city of Louisville, and to vend gas lights and water privileges, and it may borrow and loan money, and discount notes and bills, and deal in exchange and bank notes, and receive general and special deposits, and issue certificates of deposit; but shall not issue promissory notes, bills, checks, or certificates of deposit which shall pass by delivery or that shall circulate as bank notes; nor shall it exercise any other privileges of banking; and it shall not discount any promissory notes, bond or bill, other than bills of exchange or bank notes, except such as are made payable and negotiable to said company, at its office, or such as are made payable to some person or persons, and payable and negotiable at its office, or at some bank incorporated by this Commonwealth; and promissory notes made payable and negotiable at the office of said company, and discounted by the company, or at the office of any incorporated bank or institution of this State, and discounted by the company, shall be put on the footing of foreign bills of exchange, and remedy may be had against the drawers and endorsers jointly and severally, and with like effect, except as to damages.

May hold
land for its of-
fice, &c.

SEC. 3. That said company may purchase and hold as much land as will be required for its office, and the residence of its officers, agents and laborers, and for sites for its gas and water works, and for suitable engine and other houses for their works, and so much land as will give a full supply of coal for

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the furnishing gas lights; and said company may sell or exchange the same, and purchase again, and may hold such personal estate, machinery, &c., as will be necessary and convenient for the transactions and business of the company. The said company shall not deal in merchandise, or in any thing which is not here authorized, or is not the product of its own land: *Provided*, That it shall not be unlawful for said company to take liens on real and personal estate, and chuses in action, to secure any debt or contract with said company; and they may purchase any real or personal estate under judgments or decrees in favor of said company, or under judgments or decrees in favor of others, when it may be necessary to secure a debt due to said company; and when said company shall have debts secured by mortgage, deeds of trust, or pledges, it may acquire the estate by contract without a foreclosure or sale, and shall sell and convey all estate not needed for its business, within five years after the same may be acquired; and, if not sold by that time, the estate shall vest in the Commonwealth without office found.

Not to deal
in merchandise

May take
liens, &c.

SEC. 4. The said company shall not contract for, or receive a greater rate of interest than six per cent per annum, for the loan and forbearance of money; and the interest shall be calculated on the true time the notes have to run, including three days of grace, and be paid in advance, and in conformity with Rowlet's table of discount and interest.

Rate of in-
terest.

SEC. 5. That said company shall not, at any time, suspend, fail, or refuse payment in gold or silver, of any deposits made with it in gold or silver, or of any specific deposits made with it in bank notes, or other things. And in case the officers, within the usual hours of office business, shall refuse, or unreasonably delay payment of any money, or other thing, deposited and demanded at their office, by any person or persons entitled to receive the same, the company shall forfeit and pay at the rate of twelve per cent interest per annum, by way of damages, until the same shall be paid.

To pay all
deposits.

Damages for
failure.

SEC. 6. That it shall be the duty of said company, within three years after its organization, to erect and establish in the city of Louisville, a gas manufactory, of sufficient extent and capacity to supply the city of Louisville, and the citizens thereof, with all such public and private lights as may, from time to time, be required; and within five years after the establishment of gas works, to erect and establish water works of sufficient extent and capacity to supply the city of Louisville with water for the extinguishment of fires, and the cleansing and sprinkling the streets and alleys, and also to afford the citizens thereof a sufficient supply for all manufacturing and domestic purposes: *Provided*, That water works shall not be established until the citizens of Louisville, at a public meeting called by the Mayor and Council for the purpose, shall consent thereto: *And, provided further*, That if the citizens of Louisville shall not consent to the establish-

A gas manu-
factory estab-
lished.

Afterwards
water works.

1832.

If they do not,
then the capital
to be reduced.

What portion
of the city to
be supplied.

Value of
lights to be a-
greed on.

Price of wa-
ter to be agreed
upon also.

The company
to have the ex-
clusive right.

To lay pipes,
&c.

ment of water works, as provided in this act, then the corporate powers, for that purpose, shall cease, and the shares of stock shall be reduced to fifty dollars each, instead of one hundred dollars, and so as to reduce the capital of the company one half.

SEC. 7. The gas and water shall be supplied from First to Ninth cross streets, and from Water to Walnut streets, inclusive of said First, Ninth, Water and Walnut streets, and to such other streets of the city, as the city authorities shall require; *Provided*, That the company shall not be bound to extend the same beyond the streets aforesaid, until the public and private lights and water required by the city and the citizens, will pay ten per cent on the cost of the extension, after deducting the expenses of manufacturing the gas, or raising the water, on the additional cost of expenditure; and whenever an extension is required by the city, the company shall furnish the proper estimates; and if the city and individuals shall severally subscribe the sum required, the company shall be bound to make the extension.

SEC. 8. The value of gas lights used by the city of Louisville, shall be agreed upon, annually, by the company and the city authorities, but shall not exceed twenty dollars per annum for each light of an illuminating power equal to twelve spermaceti candles, and at that rate for lights of a greater or less illuminating power, and the gas shall be of such purity as not to be offensive or injurious to health, and the company shall be bound to furnish the gas lights, and to furnish and keep the lamps, lamp-posts and fixtures at the price of twenty dollars per annum, to the extent required by the city, payable quarterly; and the time of burning shall be from the close of twilight, at evening, until the dawn of day in the morning, except in clear moonlight nights, when the lights may be dispensed with.

SEC. 9. The price of water to the city of Louisville, for the extinguishment of fires and for the cleansing and sprinkling streets, alleys, &c., shall be agreed upon, annually, by the company and the city authorities; and the company shall be bound to furnish the same, at a price not exceeding ten per cent on the whole cost of the works, to be paid quarterly; *Provided*, That if the rents to individuals will more than pay the cost of raising the water, and expenses of superintendence, that the excess be deducted from the ten per cent until the cost to the city shall be reduced to three per cent.

SEC. 10. That the company have the exclusive privilege of erecting, establishing and constructing gas and water works in the city, during this charter, and of vending gas lights and supplying the city and citizens with water by means of public works.

SEC. 11. That to enable the company to construct and establish gas and water works in the city of Louisville, it is authorized to lay down and extend pipes and conductors through

any of the streets and alleys of the city, and for that purpose, to take up the pavements, and to replace the same, and shall be responsible to the city for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the city as to the streets and alleys, and to the same ordinances and penalties that individuals may be subject to.

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Sec. 12. That if any person, or persons, shall wilfully, by any means whatever, injure or destroy any part of the gas and water pipes, or conductors, lamps, lamp-posts, burners, or any of their works or fixtures, or machinery, all such persons shall be bound to the company for all the damages sustained thereby, and may furthermore be liable to indictment at any time within three years after the commitment of the offence, and upon conviction shall be fined in any sum at the discretion of the jury, not exceeding one thousand dollars, or by imprisonment in the city work-house, at hard labor, not exceeding five years; but this section shall not be held to change the law as to arson, or wilfully burning the houses of the company.

Penalty for
injuring any of
the pipes, &c.

Sec. 13. That L. L. Shreve, J. I. Jacob, James Rudd, and Robert Tyler, shall be Commissioners for opening books for the subscription of the stock, and they, or any two of them, may advertise the time and place of opening the books in the city of Louisville, and shall keep them open not less than ten days, and until not less than five thousand shares shall have been subscribed: that is to say, not less than two thousand shares by the city of Louisville, and not less than three thousand by the citizens of Louisville and the State of Kentucky, or by corporations erected by the State of Kentucky, and authorized to purchase and hold stocks; *Provided*, That should the city of Louisville decline subscribing, said Commissioners may close the books when three thousand shares shall have been subscribed by others, as aforesaid; *Provided*, That if more stock shall be subscribed than the whole amount, the Commissioners shall scale the subscription of the largest subscribers, until the stock is reduced to the sum authorized by the charter; *And, provided*, That when any person shall procure other persons to subscribe for such person, the subscriptions shall be added together and considered as one subscription.

Regulations
as to taking
stock.

Sec. 14. That when the Commissioners shall have closed the books, they shall advertise the same, and call a meeting of the stockholders, other than the city of Louisville, giving at least ten days' notice, and the stockholders, so called, may elect six Directors of said Company, who, together with three directors to be chosen by the city of Louisville, and who shall be stockholders to the same amount as the directors chosen by the other stockholders, and to said nine directors, who shall choose a President from amongst themselves, shall be entrusted the real and personal estate, business, property, funds, and

Meeting to
elect directors.

Qualification.

1838.

financial concerns of said company, and the administration of its affairs. They shall be stockholders to the amount of twenty five shares each, in their own right, and after their first election shall have been stockholders not less than three months before the election at which they are chosen. They shall serve for one year, and until their successors are chosen; and after the first election, there shall be an annual election on the first Monday of January, in each year, of which notice shall be given for ten days, in at least two newspapers printed in Louisville, and the Mayor and Council shall meet on the same day, and elect the three directors on behalf of the city; *Provided*, That if the city of Louisville shall not be a stockholder, that the other stockholders shall choose the nine Directors. The President and Directors shall fill all vacancies that may arise in their body, from death, resignation, removal from the city, or the failure to meet their engagements to the company with promptness; and it shall be the duty of the other directors to declare the seat of a director vacant for that cause, or for a removal from the city.

Each share
entitled to one
vote.

SEC. 15. That each share of stock in this company shall entitle the owner to one vote, and no one individual, company or corporation, other than the city of Louisville, shall hold more than one thousand shares of the stock, either directly or indirectly, and, if any one shall purchase and hold more, his whole stock shall be forfeited to the State.

Mode of pay-
ing subscription

SEC. 16. That the subscription of stock in the Louisville Gas and Water Company, by individuals, companies and corporations, other than the city of Louisville, shall be made on such conditions, as to the time and manner of payment, and as to the surety which shall be given for the payment of the stock subscribed, which the Commissioners may prescribe before the stock is taken; *Provided*, That the President and Directors may, with the consent of the subscribers, change the conditions as to the time and manner of payment, and of the security for the payment of the stock, or of the instalments thereof, provided that such change shall be equally beneficial to all.

City subscrip-
tion, how paid.

SEC. 17. That the city of Louisville shall have the right to subscribe four thousand shares in said company, and to pay for two thousand shares by the execution of the city bonds for two hundred thousand dollars, in such amounts as said company and the city may agree upon, redeemable at any time within three years after the expiration of the charter, and to pay for the other two thousand shares by the excess of dividends on the two thousand shares paid for, after paying the interest on the said two hundred thousand dollars; the city bonds to bear an interest of six per cent per annum, payable half yearly, on the first Mondays in July and January in each year, at the office of the company in Louisville, and any premium for which the company may sell the city bonds, shall be applied to the payment of the other two thousand shares.

Sec. 18. The dividends of the city shall not be expended, nor its stock be sold during the continuance of this charter, and after paying in full for the four hundred thousand dollars of city stock, the dividends shall be invested in profitable and safe stocks, by the President and Directors of this company, and the stock so purchased, and the city stock in this company, shall be a fund to redeem the two hundred thousand dollars of city bonds, and to purchase the gas and water works at the termination of this charter, and it is made a fundamental principle and condition that the city of Louisville, if it so elect, shall be entitled to the gas and water works at the termination of this charter, at a fair estimation of what said works would cost and be worth at that time, to be ascertained by the judgment of competent engineers, selected by the parties, or appointed by the Court of Chancery, if either party refuse to concur in the appointment.

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Dividends,
how invested.

City may purchase works at end of charter.

Sec. 19. That if the whole stock shall not be subscribed before the Commissioners close the books, it shall be in the power of the President and Directors to sell the residue of the twelve hundred thousand at such time, and in such manner, and on such terms, as they may deem expedient: *Provided*, That they shall not sell it under par, without the consent of all the stockholders.

If the whole stock is not subscribed at first, to be sold afterwards.

Sec. 20. That no person, or persons, but citizens of Kentucky, and no company not incorporated by the State of Kentucky, shall subscribe for, or purchase, or hold, directly or indirectly, any stock in this company, and all stock subscribed, taken or held, at any time during this charter, contrary to this provision, shall be forfeited, and vest in the Commonwealth.

Who may hold stock.

Sec. 21. That certificates of stock shall be issued to the holders thereof, whenever the same shall be paid for; and stock in this company shall be considered and pass as personal estate, and shall be transferable on the books of the company, in such manner as the stockholders, or President and Directors, by their by-laws, shall prescribe, but no stock shall be transferable until all the debts and demands of the company are discharged, and for all debts and demands, the company shall have a lien on the stock.

Certificates of stock to be issued.

Sec. 22. That on the first Mondays in July and January, in each year, the company shall make out a statement of the condition, affairs, and finances of the company, and furnish the same to the city authorities of Louisville, and shall make a dividend on such parts of the profits as they may deem proper, but such dividends shall not be less than three per cent for each six months, if so much profit shall have been made.

Dividends & semi-annual reports.

Sec. 23. That the President and Directors shall keep a record of their proceedings, which they shall produce to the stockholders at the regular or called meetings, and they shall be open to the inspection of the Mayor of the city of Louisville; they shall take bond and good security from their officers, and

Records to be kept, &c.

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Fraud of officers declared felony.

renew them from time to time as their by-laws shall direct, and no officer, other than the President and Directors, shall become indebted to the company for the loan of money, or by dealing in exchange.

SEC. 24. That if any officer of this company shall, without the authority of the President and Directors, appropriate any of the funds of the corporation to his own use or that of any other person, or shall wilfully fail to make correct returns, or shall knowingly make false returns on the books of the company with the intent to cheat or defraud the corporation or any person, or to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period not less than five nor more than twenty years.

Salaries.

SEC. 25. That the Directors shall allow to the President a reasonable compensation for his services; but no compensation shall be allowed to a Director, except by the order of the stockholders; and if the President, or any of the Directors shall, knowingly, diminish the capital stock by dividends, or otherwise, they shall be responsible to the stockholders for the deficiency thus created.

Directors liable.

Legislature may examine their condition.

SEC. 26. Reports of the finances and affairs of the company may be required by the Legislature, and the Legislature shall have the right, by its committees, to investigate the condition of the company; and any violation of the essential provisions of the charter shall be cause of forfeiture; but no forfeiture shall prevent the corporation from collecting its debts and enforcing its contracts, and disposing of its effects.

Court to have jurisdiction.

SEC. 27. That the General Court, or any court that the Legislature shall direct, shall have jurisdiction to hear and determine any alleged forfeiture of this charter.

Not to purchase or sell bank notes.

SEC. 28. Nothing herein shall be so construed as to authorize said company to purchase the note of any bank incorporated by this State, or to loan or sell, on credit, the notes of any bank not incorporated by this State which said company may buy.

State may tax stock.

SEC. 29. The State reserves to itself the right to impose a tax on the capital stock paid in, not exceeding fifty cents on the hundred dollars.

Approved February 15, 1838.

CHAP. 825—AN ACT the better to provide against fraudulent purchases, and fraudulent sales and conveyances of property, to the prejudice of creditors.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any person or persons shall purchase any lands, goods, wares, merchandize, or other property, with the fraudulent intent of procuring without

paying for the same, the Courts of Chancery in this Commonwealth shall have power and jurisdiction, upon bill filed for that purpose, to vacate the contract, and cause the property to be restored, or compensation to be made therefor; and, for that purpose, to attach the property, and make all necessary and proper orders for the safety and forthcoming of the same.

SEC. 2. When any person shall sell, or convey, or otherwise dispose of his, her, or their lands, goods, wares, merchandize, choses in action, or other property, or shall suffer or permit the same to be sold, with the fraudulent intent of cheating and defrauding creditors, or of hindering and delaying them in the collection of their debts, the Courts of Chancery in this Commonwealth shall have power and jurisdiction, in favor of any creditor, whether the debt be or be not due, or be or not in judgment, to set aside the fraudulent sale, conveyance, or other disposition, and subject the property to the payment of the debt; and, for that purpose, to attach the property, and make all necessary or proper orders for the safety and forthcoming of the same.

SEC. 3. When any person or persons who shall be indebted, shall be about to remove his, her, or their property out of the Commonwealth, or fraudulently intend to sell, convey, or otherwise dispose of their lands, goods, wares, merchandize, choses in action, or other property, with the intent of cheating, hindering, delaying, or defrauding creditors in collecting their debts, the Courts of Chancery in this Commonwealth, shall have power and jurisdiction, upon bill filed by any creditor, whether the debt be or be not due, to attach the property, and arrest the removal or fraudulent sale or disposition of the property, and make all necessary orders for the safety and forthcoming of the property, and, on the establishment of the intent to remove the property, or the fraudulent intent to sell or dispose of the property, cause the same to be applied to the payment of the debt.

SEC. 4. That before any attachment be issued, as authorized under the provisions of the preceding sections, under the order of any judge or justices authorized to grant injunctions and attachments, the bill shall be sworn to, bond and good security, with sufficient penalty, shall be executed before the Clerk of the Court issuing the attachment, conditioned to pay all the costs and damages which the owner of the property shall sustain by reason of the wrongful issuing the order, and shall provide in the order of attachment, that the property shall be restored, or suffered to remain with the person in whose possession the property may be found, on the execution of bond with sufficient surety, with adequate penalty to perform the decree of the Court, or to have the property forthcoming, to answer the decree that may be made in the cause.

Approved February 15, 1838.

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Courts of equity empowered to vacate fraudulent contracts, &c.

Property may be attached & provision made for its forthcoming.

Fraudulent sales or removal of property may be arrested by the chancellor.

Bill to be sworn to before injunction shall issue.

1838.

CHAP. 836.—AN ACT to amend the charter of the Henderson, Madisonville, and Hopkinsville Turnpike Road Company.

Further time
allowed to open
the books.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of twelve months, from and after the passage of this act, shall be allowed to the Commissioners of the Henderson, Madisonville and Hopkinsville turnpike road company to open books for the subscription of stock for said company; and that the said Commissioners, or their successors, shall have full power and authority to keep the said books open, from time to time, until the whole of the shares of the capital stock of said company shall be subscribed.

State to sub-
scribe twice as
much as indi-
viduals.

SEC. 2. That the Board of Internal Improvement is authorized and required, on behalf of the Commonwealth aforesaid, to subscribe, out of the fund set apart by the State for the construction of turnpike roads, or out of any fund which may be hereafter set apart for the purposes aforesaid, the sum of fifty thousand dollars, which sum shall be subscribed on the following conditions only: that when individuals or corporations shall subscribe for stock to the said corporation to the amount of eight thousand three hundred and thirty three dollars and thirty three and a third cents, that then, and in that case, the Board shall subscribe twice that sum; and shall, from time to time, as individuals or corporations shall thereafter subscribe for said stock, subscribe twice the amount of said individuals or corporations, until the whole fifty thousand dollars shall be subscribed.

Route to be
surveyed.

SEC. 3. That it shall be the duty of the State Engineer to have the route of said road surveyed as soon as practicable, and make report of such survey to the Board of Internal Improvement: *Provided, however*, That after making the report of such survey the said Board may, if they shall be of opinion that the said road will not be of sufficient public utility, withhold such subscription.

State to pay
on their stock
the same as in-
dividuals.

SEC. 4. That if said Board shall be of opinion that said road will be of public utility, and whenever the President and Managers of said corporation shall certify to them that any amount has been paid on behalf of individual stockholders, that the Auditor shall be and he is hereby directed to draw upon the said Board of Internal Improvement in favor of said President and Managers, for twice the amount, to be paid on behalf of the Commonwealth, from time to time, until the whole amount hereby authorized to be subscribed shall be paid: *Provided, however*, That it shall be the duty of the said President and Managers to commence the construction of said road at the town of Henderson, and continue it on in the direction to Hopkinsville, until the same is completed, unless the citizens of the counties of Christian and Hopkins shall subscribe for an amount of stock in said road, in each of said counties equal to the amount which may be taken and subscribed for in the county of Henderson, in which case, the

Where work
to be commen-
ced.

President and Managers may commence the construction of said road at the same time at the town of Hopkinsville, the town of Madisonville, and the town of Henderson.

SEC. 5. That the Board shall, in all respects, be governed by the provisions of the twenty fourth section of an act, further to provide for the Internal Improvement of the State, approved February 23, 1837, any thing in this act to the contrary notwithstanding.

Approved February 15, 1839.

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Board to be governed by act of 1837.

CHAP. 837—AN ACT to incorporate the American Cannel Coal Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Seth Hunt, John D. W. Williams, James T. Hobart, J. B. Russell and Elijah Livermore, and their associates, successors and assigns, shall be and they are hereby created and incorporated a body politic and corporate, by and under the name and title of "the American Cannel Coal Company," for the purposes of mining for stone coal at Hawesville, in the county of Hancock, in the State of Kentucky; and, also, for iron ore, and for manufacturing iron and building steam and flat boats for the transportation of coal, iron, lumber, and other products, and by the aforesaid name may prosecute and defend suits at law and equity, have a common seal, choose all necessary officers, and make and establish such by-laws, rules and regulations as they may deem necessary and expedient in the management of the business and the government of the interests and concerns of said company, provided the same be not repugnant to the constitution and laws of this Commonwealth and of the United States.

Corporators.

Purposes of corporation.

To elect officers and make by-laws.

SEC. 2. That the said Company may purchase, receive, hold and enjoy lands, coal and iron mines, rents, tenements, furnaces, and forges, steam boats and other water craft, goods, chattles, and effects, in the county of Hancock, and elsewhere in the State of Kentucky, to the amount of three hundred thousand dollars; and the same to sell, convey and demise, and, generally, with power to do and perform all acts and things, and have, exercise, and enjoy all the rights immunities and privileges pertaining to companies legally incorporated: provided, that all the estate, real and personal, held and owned by said company, shall be held liable to assessment and taxation, in the same manner as if the same were held and owned by an individual.

Authorized to hold property.

SEC. 3. That the business of the said company shall be the mining of coal, iron ore, and other minerals, and the smelting and manufacture of the same, building steam boats and other water craft, furnaces and forges, and in transporting coal, iron, and other products, from Hawesville and other places to

The business of company.

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New Orleans, and elsewhere, as may be most advantageous to the business and interests of the said company.

To be conducted by agents.

SEC. 4. That the business of the said company shall be carried on by one or more general agents, to be duly appointed by, and to be under and subject to the direction and control of, three directors, of said company, to be annually chosen by the stockholders of said company: said directors shall be chosen, annually, on the first Monday in May, by ballot, from among the stockholders, who shall hold their office for one year, and until other directors are legally chosen by a majority of the votes given, either by the stockholders present, or by written proxy from those not present; each stockholder shall be entitled to one vote for each share which he or they may hold in the capital stock of said company. The persons, or any two of them, mentioned in the first section of this act, may organize said company; but the first election shall be held

Directors, when to be chosen.

Scale of votes.

First election.

Stock, when to be paid.

in Hawesville, aforesaid, on the first Monday in May next, or sooner if required by a majority of the stockholders, and John D. W. Williams, James T. Hobart and J. B. Russell, or either of them, are hereby authorized to receive subscriptions to the stock of said company, at such times and at such places as they may deem expedient after the passage of this act, which subscriptions shall be paid at such time and in such manner as the board of directors shall order and direct, and any two of the persons named in this act may act as judges and managers of said first election; but at each subsequent annual election the acting directors shall act as judges, and shall manage and conduct said elections; and the said directors shall elect one of the number to act as president of said board of directors, and in case of vacancy of one of said board, by death or otherwise, the remainder of the board of directors shall have power to fill said vacancy. The majority of the board shall form a quorum, capable to transact the business of said company; and the said directors shall have full power and authority to carry into effect all the designs contemplated in this act of incorporation.

May acquire lands.

SEC. 5. That the said company may acquire, by agreement and contract with the owners and proprietors of lands, the right of way for the purposes of having roads from the coal and iron mines to the Ohio river, and they may make and improve all such roads, in such manner as may be most advantageous to said company. The said company may, also, acquire and hold such ware-houses and lots as may be necessary for storing their coal, iron, and other products of their works, and for the better enabling them to carry on their business in its various departments.

Treasurer & Secretary to be elected.

SEC. 6. That the president and directors of said company shall appoint one treasurer and one secretary, to keep the funds and accounts and record the proceedings of the said company, and the books of the said company shall, at all times, be subject to the free inspection of any of the stockholders;

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and should a majority of said stockholders require it, a true and just statement of the accounts, property and business of the said company shall, annually, be published by said treasurer and secretary, duly certified by the president and directors; and the said president and directors shall, from time to time, make and pay, or cause to be paid, to the stockholders, such dividends of the profits as the condition of the said company will justify, without diminishing the capital stock of said company: provided, if said company shall withdraw any part of the capital, or reduce the same by dividends, the corporators shall be individually liable for all debts owing by said corporation.

Dividends.

SEC. 7. That said company shall not engage in any species of banking business, or issue bills payable to bearer in the form or nature of bank bills, nor issue checks for money deposited in banks, or elsewhere, other than in actual payment of debts.

Not to engage in banking

SEC. 8. That the corporate effects of said company shall be liable for the corporate debts, and should said company contract debts beyond what the corporate property will pay, each corporator shall be liable, in addition, in a sum equal to the amount of his stock, and no transfer of the stock shall exempt a corporator from this liability; but after a judgment or decree against the corporation, and a return of *nulla bona*, a bill in equity may be maintained against the corporation, and any one or more of the persons who were stockholders at the time the debt was contracted, and payment thereof enforced against such stockholders to the extent of their stock.

Corporate property liable for debts.

SEC. 9. That any violation of the provisions of this act shall be a forfeiture of the corporate privileges; and this corporation shall continue for the term of fifty years from the passage of this act, provided that the corporators shall file, in the Clerk's office of Hancock county, a certificate of the amount of stock subscribed in said company within one year. That this corporation may be dissolved by the act of the corporators, and the funds distributed amongst the stockholders, provided they first pay all their corporate debts: of which dissolution public notice shall be given, for six weeks, in two or more newspapers printed in this State, and a copy of the act of dissolution filed and recorded in the County Court Clerk's office of Hancock county: they shall have the right to sue and be sued for the term of five years next after such dissolution.

Violation of charter to create a forfeiture.

May be dissolved, if all the debts are paid.

Approved February 15, 1838.

CHAP. 828—AN ACT to change the place of voting in a Precint in Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the county of Har-

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din, in the precinct including Robert Vertrice, shall be changed; and all elections shall, hereafter, be held, and the votes taken, at the house of Gideon W. Gray.

Approved February 15, 1838.

CHAP. 829—AN ACT for the benefit of Eliza B. Traub.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Eliza B. Traub be changed to that of Eliza B. Sheble, and hereafter she shall be known and called by the latter name; and that she be restored to all the rights and privileges of an unmarried woman.

Approved February 15, 1838.

CHAP. 830—AN ACT for the benefit of Burtis Ringo, Sheriff of Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts issue to Burtis Ringo, Sheriff of Fleming county, a warrant for four dollars, being a delinquent jury fee in the case of the Commonwealth against Archibald W. Dixon and others, tried in the Fleming Circuit Court, paid by him into the Public Treasury; and that the Treasurer pay said warrant out of any money in the Treasury not otherwise appropriated.

Approved February 15, 1838.

CHAP. 831—AN ACT to allow an additional Constable to Graves County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby allowed to the county of Graves, one additional Constable, to reside in the neighborhood of Jacob Kuling.

Approved February 15, 1838.

CHAP. 832.—AN ACT for the benefit of Willie Sugg.

WHEREAS, it appears from the petition of Willie Sugg, and from other evidences, that he is the purchaser of two tenths of a tract of land containing fourteen hundred acres, lying in the county of Henderson, in the State of Kentucky, on the waters of Deer creek, and patented to John Hurt of the State of Virginia, and which land has been stricken off to the State of Kentucky for the non-payment of taxes: and,

whereas, the said Sugg is desirous of paying to the State all arrearages which may be due for the non-payment of taxes on two tenths of said tract of land, purchased by him as aforesaid—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the payment, by said Willie Sugg, into the public treasury of all arrearages due on said two tenths of said land, the said forfeiture of said tract of land, as to said Willie Sugg's two tenths aforesaid, shall be and the same is hereby remitted to the said Willie Sugg.

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Forfeiture of certain lands remitted.

Approved February 15, 1838.

CHAP. 833—AN ACT for the benefit of the heirs of James Heady, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Stillwell Heady, James J. Heady, Thomas Heady, and William Wakefield and wife, as heirs of James Heady, deceased, to file a bill in chancery in the Nelson or Spencer Circuit Court, against the other heirs at law of said Heady, and the purchaser of his estate, and James and Matthew Wakefield, the husbands of his two deceased daughters, and they may allege in said bill that James Heady was, before his death, a person of unsound mind, and his estate under the control of a committee, and that said committee and his heirs agreed to sell his estate before his death, and did actually sell the same at a fair price to the purchaser named in the bill, and that the adult heirs have conveyed, or are willing to convey, and that the infants, children of Mrs. James and Matthew Wakefield cannot convey, owing to their infancy; and the court, if it shall appear the sale was made for a full and fair price, may confirm the same, and cause the title to be conveyed to the purchaser on the amount of said heirs part of the purchase money being paid to the guardian of said heirs, or be secured to them.

Bill to be filed in Nelson or Spencer.

The conveyance of certain real estate.

Proceeds of sale to be distributed.

SEC. 2. The court shall require said guardian to enter into bond, with such security as the court shall approve, for the faithful application of the money that may be paid to him as said heirs' part.

Guardian to give bond.

Approved February 15, 1838.

CHAP. 834—AN ACT to amend an act, entitled, an act to incorporate the town of Crittenden, in Grant County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boundary of the town of Crittenden shall be as follows: beginning at a stake ten poles north of the turnpike gate on the road leading from Lexington to Cincinnati; thence west forty poles to a stake in Charles

Boundary.

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Daniel's field; thence north 25° west 38 poles to another stake in said field; thence north 2° west 122 poles, crossing the Alphin road to a stake on the land of A. Kyse; thence east 160 poles crossing the Sayers road to a stake in Thomas Current's field, south 2° east 122 poles to a stake near a branch; thence south 25° east 38 poles to a stake on a hill side; thence west to the beginning: and that Gustavus Fisher, John W. Finley, Thomas H. Taylor, Robert B. Drinkard and William McKinsey, be and they are hereby appointed Trustees for said town, who shall continue in office until the first Monday in September, 1838, and at the expiration of that time, and on the first Monday in September in every year thereafter, it shall be lawful for the qualified citizens of said town to elect five Trustees for said town, who shall be citizens thereof, the Clerk of said Board of Trustees giving five days notice of the time and place of such election.

Trustees to take an oath.**To elect a President and appoint a clerk.**

SEC. 2. That the above named Trustees and their successors in office, before entering on the duties thereof, shall take an oath, before some Justice of the Peace, faithfully to perform the duties of said office, and shall, before proceeding to business, elect one of their number as President, and shall also elect some qualified person to act as Clerk of said Board, who, after being duly qualified, shall remain in office until his successor shall be elected, and the duty of said Clerk shall be to keep a fair transcript of the proceedings of said Board, and such other duties as may be, from time to time assigned to him by the Board of Trustees.

Powers of Trustees.

SEC. 3. That the aforesaid Trustees, and their successors in office, shall have power and authority to adopt any rules and regulations, consistent with the constitution and laws of this State, which may be necessary for the government of said town, and shall be authorized to collect any fine, not exceeding twenty dollars, for any breach of their by-laws provided a copy of said by-laws be set up at one or more public places for at least five days; which fine shall be recovered in the name of the Commonwealth for the benefit of the Trustees, by warrant before any Justice of the Peace for Grant county, and shall be applied for the benefit of said town.

May levy a tax.

SEC. 4. That the said Trustees shall have power to raise a tax on persons and property, not exceeding one dollar, on each tythe, nor more than fifty cents on each hundred dollars worth of real property and negroes in said town, to be collected as other taxes in this Commonwealth prior to the passage of the act of 1837.

Shall appoint Treasurer and Assessor.

SEC. 5. That said Trustees shall, annually, appoint some person, not of their own body, as Treasurer of said town, who, before entering on the duties of his office, shall enter into good and sufficient bond for the faithful discharge of his duty, and who shall make a monthly report, to the Board of Trustees, of all moneys received and paid out by him during the preceding month; and said Treasurer shall not pay out any

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money, except by order of the President of the Board for the time being; and said Trustees shall, also, appoint such officers as may be necessary to obtain a fair assessment of town property and negroes, and to collect the taxes on the same, who shall be required to give bond and security for the faithful discharge of their duties; and said Trustees may allow such compensation to the different persons appointed by them to the various offices herein enumerated, as shall be reasonable and proper.

SEC. 6. That the Trustees shall have power to remove nuisances and impediments in the town, and for that purpose may fine any person, who thus impedes the streets by erecting any nuisance or obstruction, any sum not exceeding ten dollars, which fines may be collected as fines for breaches of the by-laws; and said Trustees shall have power, by ordinance or by-law, to designate what shall be a nuisance in said town, and which ordinance or by-law, the Justice of the Peace, who, under that act, tries any warrant, shall observe and give judgment accordingly.

Further powers of trustees.

SEC. 7. That should the election of Trustees not take place on the day fixed by this act, the Board shall not for that cause be dissolved, but another day shall be appointed for the election, and the incumbents shall remain in office until their successors are elected and have taken the necessary oaths required by this act; and the Trustees may adopt such by-laws, regulating the election of Trustees, as are not incompatible with this act, or the constitution and laws of this State.

SEC. 8. That the Trustees shall have power to levy and collect, by distress or otherwise, such tax as they may deem reasonable, from any person or persons who may exhibit shows of any description, wild animals, circus, &c., within said town, or within one half mile of the incorporated limits of said town, any law to the contrary notwithstanding.

Trustees may tax shows, &c.

SEC. 9. That from and after the passage of this act, all fines and forfeitures accruing within the bounds of said town for riots, routs, and breaches of the peace, be and the same are hereby appropriated for the use and benefit of said town; and all officers are hereby directed to pay over to the Treasurer of said town, within ten days after collection, all moneys by them received arising from fines for riots, routs or breaches of the peace, and in failure of so doing, they may be proceeded against in the same manner as now prescribed by law.

Fines for riots, &c. appropriated to said town.

SEC. 10. That in all cases of riots, routs and breaches of the peace within said town, it may be lawful for the jury trying the same to inflict any fine not exceeding fifty dollars, or twenty four hours imprisonment for every two dollars of said fine, and which shall be received in the same manner as such fines are now collected by law; and in case the person or persons fined under the provisions of this act, do not pay the same at the rendering of the verdict, the magistrate before whom the judgment is obtained, shall issue a *capias pro fine*, as now pro-

Amount of fines for riots, &c. and how recovered.

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vided by law, and it shall be the duty of the officer serving the same, to proceed immediately to take the body or bodies of the person or persons, against whom the judgment has been rendered, into custody, and lodge the same in jail of the county, there to remain until the fine is paid, agreeable to the verdict of the jury.

Justices may
issue *capias*
pro fine.

SEC. 11. That in all cases where fines may hereafter be received, under the by-laws or ordinances of said town, the Justices of the Peace before whom the same may be recovered, may issue the *capias pro fine* for the collection and coercion of the same, and be governed by the general laws now in force in relation to the *capias pro fine*.

Trustees may
appoint a mar-
shal and his
duties.

SEC. 12. That the said Trustees shall have power to appoint a town Marshal and such other officers as may by them be deemed necessary, whose duty it shall be, after being duly sworn, and having entered into good and sufficient bond for the faithful discharge of his duties, shall be empowered to act in all things relative to the town laws, as Constables are now authorized by law; he shall have the same power as Constables to serve notices, warrants, executions, and to sell property, while acting under the authority of the town laws, or in case of riots, routs, and breaches of the Peace, and he shall serve all notices issuing from the President of the Board of Trustees, and he shall act in all things, within the limits of said town, and under authority of its laws, as Constables now act, and in all cases shall be entitled to charge the same fees; and in case of failure to pay over moneys when collected, for neglect of duty, he shall be subject to a motion against himself and securities in the same manner as motions are brought against Constables; and the Marshal shall be authorized to take replevin bonds, with security, payable to the Board of Trustees, for all penalties for a violation of the town ordinances placed in his possession, or for collection, which shall run for three months, as in case of debt; and the Trustees may allow the Marshal, or other officers, such compensation for their services, in addition to the fees of their office, as they may deem necessary.

Marshal
may appoint
deputies.

SEC. 13. That it may be lawful in cases of danger and necessity for the Marshal to appoint one or more deputies to aid him in the performance of his duties, who shall be sworn faithfully to act as such, and the Marshal shall be held bound for all their acts while acting as deputies: *Provided, however,* That no person shall act as deputy Marshal, without he shall first have been approved by the President or Board of Trustees.

Surveyor to
be appointed.

SEC. 14. That the Trustees of said town shall have power to employ a competent Surveyor, and direct him to run off and make a plat of said town; and said plat, when made out, shall be recorded in the office of the Clerk of the Grant County Court, and then shall be taken as authority in establishing the bounds of lots, and the location of the streets and alleys;

and the Trustees shall have power to open all such streets and alleys, and to inflict fines against any person who may close a street or alley and refuse to open the same.

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SEC. 15. That no person shall be entitled to vote for Trustees in said town without he shall be twenty one years of age and resided in said town three months, or have paid a town tax or worked on the public streets—and shall be a citizen of the United States; and no person shall be eligible to the office of Trustee, without he shall have been an actual resident of said town six months previous to the election—shall be twenty one years of age and a citizen of the United States; and at all elections for Trustees, two Judges shall be appointed by the Board for that purpose, who shall, before opening the poles, be sworn to act fairly and impartially in the discharge of their duty, and in case of disagreement as to the legality of a vote, the Marshal, who shall be present and keep order, shall decide; and the Clerk of the Board shall keep their poll book, and notify each person of their election; and the Trustees, at the first meeting after the election, shall allow the Judges, Marshal and Clerk, a reasonable compensation for their services.

Qualification
of voters and
trustees.

SEC. 16. That the Trustees shall appoint a Surveyor of the streets and alleys of said town, whose duty it shall be to call on all the free white males of the age of eighteen years and upwards, and all the male slaves of the age of sixteen years and upwards in said town to work on the streets and alleys, whenever the Trustees may think it necessary, not exceeding five days in each year, and every person failing to attend with the proper tools for the purpose, or who may refuse to work under the direction of the said Surveyor, or find some person equally able to work in his place, provided he has one day's notice, shall pay the sum of one dollar per day for such time, to be sued for by said Surveyor in the name of the Trustees before a Justice of the Peace, and applied to the use of said town: *Provided, however,* That if any person shall send two hands, he shall be exempted from working himself.

Citizens to
work on streets
and alleys.

SEC. 17. That all moneys collected by the Trustees or their officers, for taxes or a violation of the town ordinances, shall be applied to the use and benefit of said town of Crittenden, and for the improvement of the same, after paying the necessary expenses; and all Justices of the Peace, Constables and other officers, who may refuse to carry the provisions of this act into effect, shall be subject to a presentment by the Grand Jury for Grant County, and liable to such fine as the Judge of the Grant Circuit Court may think proper to inflict.

Fines, &c. ap-
propriated for
benefit of town.

SEC. 18. That the Trustees of said town shall not be authorized individually, or collectively, to contract for any work or services to be performed, which shall not have been performed and paid for at or before the period shall have expired for which they shall have been elected.

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Sec. 19. That all acts or parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Approved February 15, 1838.

CHAP. 835—AN ACT to remove the Seat of Justice of Bracken County, and for other purposes.

When a certain sum is raised, and deed made, county seat shall be removed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever the sum of fifteen hundred dollars shall have been raised by voluntary subscription and payment, and suitable ground whereon to erect a Court House at or near Woodward's cross roads, in the county of Bracken, shall have been conveyed to the County Court of Bracken, by deed to them and their successors, the said County Court of Bracken, a majority of all the Justices being present in Court, shall select a proper site, for the location of a Court House and other public buildings, on the ground conveyed as aforesaid, and they shall appropriate said fifteen hundred dollars in defraying the expenses incurred in the erection of said Court House and other public buildings.

County court may sell public buildings, and apply proceeds.

Sec. 2. That the County Court of Bracken, a majority of all the Justices being present in Court, shall have full power and authority to make sale, at public auction, to the highest bidder, on such credit as the County Court may determine, of the public ground and the buildings thereon in the town of Augusta in said county, and they shall take bond for the payment of the purchase money, with good and sufficient security, from the purchaser or purchasers, payable to said County Court and their successors in office, and the said County Court shall appropriate the proceeds of the sale of said public ground in the town of Augusta, and the public buildings thereon, one third to the re-imbursing the original subscribers of the three thousand dollars towards building the Court House or their representatives, in equal portions, according to the amount subscribed and paid by them, and the other two thirds to defray the expenses that may be incurred in the erection of the Court House and other buildings at or near Woodward's cross roads; and if the proceeds of said sale, and the aforesaid fifteen hundred dollars, will not be sufficient to pay and discharge the debt incurred in the erection of said Court House and other public buildings, then the said County Court shall pay and discharge the remainder thereof out of the County levy.

County court may make a deed to the purchaser.

Sec. 3. That upon the payment of the purchase money for the public ground and the buildings thereon in the town of Augusta, the County Court of Bracken, a majority of all the Justices being present in Court, shall make a deed or deeds of conveyance to the purchaser or purchasers thereof, vesting in

said purchaser or purchasers such title as the County Court may hold to said property.

SEC. 4. That the said County Court, a majority of all the Justices being present in Court, shall appoint three Commissioners to ascertain and report to said Court, when a good and sufficient Court House and suitable Clerks' offices for the Circuit and County Courts shall have been erected and completed at or near Woodward's cross roads, and, upon the reception of said report, signed by any two of said Commissioners, the said County Court shall cease to hold Court in the town of Augusta, but shall forthwith proceed to hold Court in the Court House at or near Woodward's cross roads; and that the Clerks of the Circuit and County Courts, together with all other officers in said county, shall proceed to move all the books, papers, and effects appertaining to their respective offices, to or near Woodward's cross roads, at which place the Seat of Justice for Bracken county shall be permanently established.

SEC. 5. That the Courts for the Circuit and County of Bracken shall, after the reception of said report of said Commissioners or any two of them by the County Court, be holden at Woodward's cross roads, on the same days now fixed by law for the meeting of said Courts at Augusta.

Approved February 15, 1838.

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And appoint commissioners.

Report being made, court shall be removed.

Courts shall be held at new county seat.

CHAP. 836—AN ACT for the benefit of the heirs of John Gray, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that John Bearden, while acting as Sheriff of Livingston county, sold four tracts of land by virtue of an execution against Hanley Russell to satisfy said execution, and John Gray became the purchaser thereof at said sale; and whereas the said Bearden has assigned to Ninean E. Gray, Benjamin E. Gray, Lucy A. McLean, Margaret L. Kendall, Mary P. Gray, (now Perkins,) John P. W. Gray and Washington W. Gray, heirs at law of said John Gray, who has departed this life, copies of the surveys of said land so sold and purchased, and whereas, it appears that all the State price of said lands has been paid except a small fraction, and as it appears that the original surveys of said land have been lost or have never come to the possession of said heirs—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office be authorized and he is hereby directed to register the copies of the surveys following, to-wit: surveyed for Hanley Russell, assignee of Hugh Gilliam, two hundred acres by virtue of Commissioner's certificate No. ———, bearing date 4th July, 1796, on Big Eddy creek; also, a survey for Hanley Rus-

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sell, assignee of Justinean Cartright, by virtue of a Commissioner's certificate No. 2629, lying on Eddy creek; also, a survey for two hundred acres for Hanly Russell, by virtue of Commissioner's certificate No. 4471, which was transferred to Russell by Justinean Cartright, assignee of Thomas Smith, in Livingston county, on the waters of Cumberland river; also, a survey of Hanly Russell, assignee of James Jolly, two hundred acres by virtue of Commissioner's certificate No. 2726, on the branch of Livingston's creek; and the Register of the Land Office is authorized to issue patents to said land forthwith upon the registering said copies, and they shall stand as good and valid in law, as though the originals themselves had been registered, and the patents be directed to issue to the heirs of John Gray, deceased.

SEC. 2. That it shall be lawful for the said heirs to pay the balance of the State price which may be due on said lands into the Treasury of the Commonwealth, any law to the contrary notwithstanding.

Approved February 15, 1838.

CHAP. 837.—AN ACT to establish a State road from Warsaw, in Gallatin County, to the Poplar Grove Meeting House, in Owen County.

Commissioners appointed to view and mark road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Edward Spencer, Jacob Roon, and Peter Dorman, of the county of Gallatin, and Reuben Crouch and Jonathan Kemper, of Owen, be and they are hereby directed to view and mark out the nearest and most practicable route for a State road, leading from Warsaw, in Gallatin county, to intersect the Louisville and Covington road at the Poplar Grove Meeting House, in Owen county, the said road to cross Eagle creek at or near Castleman's ford: any three of said Commissioners may act.

To make report to court.

SEC. 2. That said Commissioners are hereby directed to make report, upon oath, to the County Courts of their respective counties, and said Courts are hereby directed, upon the reception of said report, to make an order for clearing out said road thirty feet wide, clear of timber, in all practicable places, and the stumps not to be more than twelve inches above the surface of the earth, and the hills well graded.

Surveyors.

SEC. 3. That said Courts shall appoint a Surveyor or Surveyors, and allot them a sufficient number of hands to open said road.

Damages to be assessed.

SEC. 4. That when any person, through whose land the said road shall be viewed, shall object to the opening the same, the Sheriff of the county, in which said land may lie, shall, at the discretion of the County Court, summon a jury to meet on the land on a certain day, who shall be sworn to assess the damages that may arise from opening said road, which,

together with the Sheriff's fees, shall be paid out of the county levy of the county in which said land may lie.

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SEC. 5. That each Commissioner shall receive one dollar and fifty cents per day, while engaged in running said road, which amount shall be paid out of the county levy of the respective counties of Gallatin and Owen.

Pay of Commissioners.

Approved February 15, 1838.

CHAP. 838—AN ACT to provide for the improvement of Big Barren river from the mouth of Peters' creek, in Barren county, to the mouth of Line creek, in the county of Monroe.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement be, and they are hereby, directed to put under contract, within six months from the passage hereof, the improvement of the navigation of Big Barren river from the mouth of Peters' creek, in Barren county, to the mouth of Line creek, in Monroe county, according to the provisions of an act, entitled, an act to direct the more speedy application of seven thousand five hundred dollars to the improvement of said river and its tributaries, and for other purposes, approved February 18th, 1837.

SEC. 2. That the money necessary to make said improvement, shall be taken from the sum of said seven thousand five hundred dollars heretofore appropriated, and that said work shall be completed as early as practicable; and so much of said act, or acts as are hereby referred to, which stops the improvement of said river at the mouth of Indian creek, in Monroe county, be and the same is hereby repealed.

Approved February 15, 1838.

CHAP. 839—AN ACT for the benefit of John Jones, former Sheriff of Jefferson County.

WHEREAS, it is represented to the General Assembly, that John Jones, former Sheriff of Jefferson county, through misfortune was prevented from paying into the Treasury of this Commonwealth the full amount of the revenue due from said county for the years 1821 and 1822: and whereas the said John Jones has heretofore, and since execution has issued against him, discharged the principal part of said debt, and is now prepared to discharge the remainder—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Jones be and he is hereby released from the payment of all interest and damages due on the above debt, and the Auditor of Public Accounts is hereby directed to issue to said Jones a quietus, on proof being made

1838. that the principal of all such executions has been fully paid, by him or some one for him.

Approved February 15, 1838.

CHAP. 840—AN ACT to improve the road from Greensburg, by the way of Columbia, Jamestown and Monticello, to the Tennessee State line, in a direction of Knoxville.

WHEREAS, it is represented to the General Assembly, that the road from Greensburg to the Tennessee State line by the way of Columbia, Jamestown and Monticello, is of great importance, not only to that portion of the citizens of the State who live in the vicinity, but to those who are engaged in the raising and driving of stock to the States of Virginia, North Carolina, Georgia, South Alabama, and South Carolina; and whereas the road is much travelled by large droves of stock, at present though badly located and indifferently constructed; and whereas the greater portion of the State through which said road passes is but sparsely settled—therefore,

Board of Internal Improvement to have road surveyed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement shall cause to be made within the present year an examination of said road, and if, in the judgment of said Board, the same should be of sufficient public utility to justify the expenditure, the said Board is hereby authorized and required to appropriate any sum, not exceeding five thousand dollars, of the sale of the scrip of the State, for the purpose of amending, altering or reconstructing all or part of said road, to be laid out and expended under the direction of said Board by their Engineer or other Agents of their appointment.

Gates to be erected.

SEC. 2. That as soon as said work or improvement shall be made, the said Board of Internal Improvement shall cause to be erected two gates on said road for the purpose of demanding and exacting tolls, at such cheap rates as the Board of Internal Improvement shall order and direct: *Provided, however,* That the citizens of the counties in which the gates are erected, shall pass through said gates free of tolls, subject however to the further revision of the Legislature.

Where to commence.

SEC. 3. That said Engineer in surveying said route, shall commence at the town of Greensburg, in Green county, and to lay off and survey said road, so as to cross Green river, at or near the Steam Mill in said county.

Approved February 15, 1838.

CHAP. 841—AN ACT for the benefit of John and William Barclay.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for

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John and William Barclay to erect a mill dam on Salt river at Clarke's Ripple, not exceeding three feet high above low water mark: provided said dam shall be no obstruction to the navigation of said river; and the Legislature of Kentucky, shall, at all times, have power of repealing the law authorizing the building of said dam.

SEC. 2. That the said Barcláys, and all persons claiming under them, shall be liable to indictment for a nuisance, should said dam, at any time, prove injurious to the navigation of said river, and on conviction, to the abatement of said dam at his or their cost, by order of the Court before which the conviction shall take place.

Approved February 15, 1838.

CHAP. 842—AN ACT for the benefit of James N. McCune and Jane his wife, and John Singer, free persons of colour of the cities of Louisville, and Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James N. McCune and Jane his wife, free persons of colour, residing in the city of Louisville, be and they are hereby exempted from the provisions of an act, entitled, an act to prevent the future emigration of free negroes and mulattoes to this State, approved February 23, 1808, and are hereby permitted to continue and remain in the city of Louisville and county of Jefferson.

SEC. 2. *Be it further enacted*, That John Singer, of the city of Covington, shall be entitled to all the benefits of this act; and he is hereby permitted to reside in the city of Covington and county of Campbell.

Approved February 15, 1838.

CHAP. 843—AN ACT for the benefit of the County Court of Harrison County.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the County Court of Harrison county have directed, and by contract caused a very expensive bridge to be erected across the south fork of Licking river, near Cynthiana, in said county, and are not able to meet their contract by the poll tax allowed to be levied—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Harrison county, be and they are hereby authorized, at their next levy term, to lay and cause to be collected an *ad valorem* tax of two and a half cents on each hundred dollars worth of taxable property of said county, for the purpose of paying for said bridge; and the same shall be collected under the same laws and regula-

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tions as are now in force in relation to the collection of the revenue, and paid over by the direction of said County Court: provided the said Court shall have the authority to make the levy, above authorized, at two terms only, and then the authority forever to cease.

Approved February 15, 1838.

CHAP. 844—AN ACT to amend the charter of the Danville, Lancaster and Nicholasville Turnpike Road Company.

Toll to be
charged on
bridges.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the Danville, Lancaster and Nicholasville Turnpike Road Company, be and the same is hereby so amended, that it shall be lawful for said company to charge the following tolls at the bridge across Dix river, and, also, at the bridge across Kentucky river, viz: for each man and horse, passing over the Dix river bridge, six and a fourth cents; and for all other persons, carriages, wagons, and vehicles, and live stock of every description, one half the sum now allowed to be charged at each of the turnpike gates erected by said company; for a man and horse crossing the Kentucky bridge they shall be allowed to charge twelve and one half cents; and for all other persons, carriages, wagons, and vehicles of every kind, and for live stock, the same tolls that they are now allowed to charge at each turnpike gate.

Who exempt
from toll.

SEC. 2. That all persons passing said road, in going to and returning from mill on horseback, shall be allowed to pass the gates erected by said company, and bridge across Dix river, free of toll.

Gate may be
changed near
Lancaster.

SEC. 3. That said company shall have the right to change the location of the turnpike gate near Lancaster, provided they do not erect the same in less than four hundred yards of the present boundary of the town of Lancaster.

Approved February 15, 1838.

CHAP. 845—AN ACT to apply the provisions of an act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, to the Russellville and Clarkesville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of the last section of an act amending the charter of the Louisville and Elizabethtown Turnpike Company, approved February 23d, 1837, shall apply to the charter incorporating a company to construct a turnpike road from Russellville to Graysville, in the direction to Clarkesville.

Approved February 15, 1838.

CHAP. 846—AN ACT to regulate the time of holding the Circuit Courts in the 11th Judicial District.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Circuit Court for the county of Bath shall, hereafter, commence on the third Mondays in March, June and September, and sit eight juridical days, if the business of the court requires it. The Circuit Court for the county of Lawrence shall, hereafter, commence on the second Mondays in April, July and October, and sit six juridical days, if the business of said court shall require it. The Circuit Court for the county of Morgan shall, hereafter, commence on the third Mondays in April, July and October, and sit six juridical days, if the business of said court shall require it. The Circuit Court for the county of Pike shall, hereafter, commence on the Wednesdays after the first Mondays in May, August and November, and sit four juridical days, if the business of said court shall require it; and the Floyd Circuit Court shall, hereafter, commence on the Second Mondays in May, August and November, and sit six juridical days, if the business of said court shall require it.

Bath.

Lawrence.

Morgan.

Pike.

Floyd.

Approved February 15, 1838.

CHAP. 847—AN ACT for the benefit of Elisha Green, of Harlan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts issue to Elisha Green a warrant on the public treasury for the sum of seventy dollars, in consideration of services rendered and expenses incurred by said Green in the pursuit and apprehension of George Rowland and Eli Collins, in the State of Tennessee, on a charge of felony committed in this State, and that the Treasurer pay said warrant out of any money in the treasury not otherwise appropriated.

Approved February 15, 1838.

CHAP. 848—AN ACT to define and explain the boundary line between Hickman and McCracken Counties.

WHEREAS, doubts exist in relation to the true boundary line between the counties of Hickman and McCracken at the mouth of Mayfield's creek—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Island number one, lying in the Mississippi river opposite to the mouth of Mayfield creek, shall form and compose a part of Hickman county.

Approved February 15, 1838.

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CHAP. 849—AN ACT for the relief of Stephen Lee, and his securities.

WHEREAS, Captain Stephen Lee, of the city of Maysville, in the year 1816 obtained from the public Arsenal fifty stand of the public arms, and gave bond to the Commonwealth of Kentucky, with James Chambers, James Ward, and James W. Coburn, as his securities for the return of said arms; and, whereas, the said arms have been returned to the Quarter Master General's office, except two stand, which were accidentally burned while in the hands of members of the light infantry company of said Captain Stephen Lee, during a very extensive conflagration of a part of the city of Maysville—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Stephen Lee, and his securities, be exonerated from any liability on their said bond for the loss of said two stand of arms.

Released
from bond.

Approved February 15, 1838.

CHAP. 850—AN ACT for the benefit of William M. Smith and others, of Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be and he is hereby directed to issue warrants on the Public Treasury in favor of William M. Smith, William Moore, William T. Meadows, Josiah Smith, and Alexander Vannoy, for twelve dollars each, in consideration of the apprehension of the Wilsons, in the State of Tennessee, on a charge of felony; which warrants the Treasurer shall pay out of any money in the Treasury not otherwise appropriated.

Approved February 15, 1838.

CHAP. 851—AN ACT granting to John Luckey and wife a change of venue.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Jefferson Circuit Court, on the appearance of John Luckey and wife in discharge of their recognizance taken in said court, by reason of an indictment therein preferred against them for arson, and upon their election and consent being entered upon the records of said court, to change, by order, the venue of said case to the Spencer Circuit Court.

Venue changed from the Jefferson to the Spencer circuit court.

SEC. 2. That when said order for the change of venue shall be made, it shall be the duty of said Jefferson Circuit Court to require from said Luckey and wife a recognizance, in such penalty and with such security as in the discretion of said court shall seem right, for their appearance at said Spencer

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Circuit Court on the first day of the term of said court next succeeding the date of said recognizance, and in like manner to recognize the witnesses in said case, on behalf of the Commonwealth, for their appearance in the said Spencer Circuit Court; and when said change of venue shall have been ordered, as contemplated by this act, it shall be the duty of the Clerk of the Jefferson Circuit Court, forthwith, to transmit to the Clerk of the Spencer Circuit Court the indictment in said case, together with copies of the recognizances and orders made in said court; and when the same shall be filed with the Clerk of said Spencer Circuit Court, the case shall be placed for trial on the docket of said court.

Sec. 3. That the Spencer Circuit Court shall, when the venue is changed and the papers filed in the Clerk's office of said Spencer Circuit Court, as directed by this act, have as full and ample powers and jurisdiction to hear and determine the same, as though the alleged offence had been committed, and the said indictment found, in said county of Spencer; and said court shall and may make such orders and take such steps to procure the attendance of witnesses for the Commonwealth, and for defendants, as to said court shall seem right; and if the said Luckey and wife shall take such exceptions in the said Spencer Circuit, as that in the opinion of the Judge of said court they cannot lawfully be tried for said alleged offence in the said Spencer Circuit Court, said court shall and may require and take from them a recognizance for their appearance again in the said Jefferson Circuit Court, at such time as the said Spencer Circuit Court shall order, or in default, said court shall order the said Luckey and wife to be committed to the jail of Spencer county, and that being done, then it shall be the duty of the Sheriff of Spencer county, forthwith, to cause said Luckey and wife to be conveyed to the jail of Jefferson county, and the said Luckey and wife shall thereafter be tried for said alleged offence in the said Jefferson Circuit Court, by new indictment or otherwise, as said court in its discretion, may order.

Approved February 15, 1838.

CHAP. 852—AN ACT to provide for the support and maintenance of Jemimah Matthews, a poor person of Green county.

WHEREAS, it is represented to the General Assembly, that Jemimah Matthews of Green county is a poor person, aged ninety odd years, and unable to support herself, and needs the assistance of the public for a support, and it is also represented that she lives at this time with James Dobson, sen., her son-in-law, and that the County Court of said county refuse to make provision for her support, unless she be taken to the poor house, and that it is impracticable and improper at her advanced age to carry her to a poor house—wherefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of said county shall, out of the county levy of said county for the year 1838, and for each and every year hereafter during the life of said Jemimah, make an allowance at the Court of Claims for her support to said Dobson, or such other person as they may appoint to provide for her maintenance, such sum, not less than fifty dollars per annum, as they shall think it worth to maintain said Jemimah, and the Sheriff of said county shall pay said allowance as soon as made, out of any county levy remaining in his hands, after the payment of the county claims of the year 1837, and for failing to do so shall be liable, he and his securities, upon motion in the same manner he now is by law made liable for similar failures to pay county creditors.

Approved February 15, 1838.

CHAP. 853—AN ACT for the benefit of James R. Roden, of Hickman County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Receiver of public moneys for the land district west of the Tennessee river, is hereby directed and required to permit James R. Roden, of Hickman county, to enter in his office the southeast fractional quarter of section thirty four, township two, range six, west, upon said Roden filing with him in his office a plat and certificate of a survey of said fraction of land made out by H. W. Molder, deputy Surveyor for the Surveyor of Hickman county, and said Receiver shall give said Roden a certificate of said entry as in other cases, and that when said certificate shall be filed with the Register of the Land office, it shall be his duty to issue a patent on the same as in other cases.

Approved February 15, 1838.

CHAP. 854—AN ACT for the benefit of Jacob A. Slack, and others.

WHEREAS, Thomas Rudd, of Bracken county, who commanded a company of Light Infantry in the twenty eighth Regiment, did, on the 14th day of December, 1821, obtain from the Quarter-Master General sixty stand of arms, and executed his bond conditioned as the law directs, with John H. Rudd, Thomas Throckmorton, and Jacob A. Slack, as his securities: and whereas, afterwards, and after the said company had been dissolved, Col. John Payne, the commandant of said Regiment, requested John H. Rudd, one of the securities aforesaid, to have the same collected, and place the same in the hands of ———— Baum, of the town of Augusta, to be repaired preparatory to their being returned, which was

accordingly done, except a few stands that could not be found; and said arms were repaired and boxed up, and the repairs paid for by an order from said Payne, on the Regimental Paymaster: and whereas shortly afterwards an alarm was created by the rising of the slaves in South Hampton, Virginia, and apprehensions were entertained that a similar arising would take place at Augusta, which rendered it expedient in the opinion of the commandant of said Regiment, to place said arms in the hands of the citizens of Augusta, and vicinity, and who did accordingly issue an order to the Quarter-Master of said Regiment, George Doniphan, to distribute said arms and take receipts therefor, which was accordingly done, and the receipts now remain with said Payne: and whereas, the principal and all the securities, except Jacob A. Slack, have departed this life—therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Jacob A. Slack, and the representatives of the deceased parties, shall be and they are hereby exonerated from any liability of the aforesaid bond.

Released
from bond.

Approved February 15, 1838.

CHAP. 855—AN ACT to repeal an act to authorize Lawson Wooldridge to inclose the Alley between the lots Nos. 125 and 126, in the town of New-Castle, approved February 23, 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to authorize Lawson Wooldridge to inclose the Alley between lots Nos. 125 and 126, in the town of New-Castle, approved February 23, 1837, be and the same is hereby repealed.

Approved February 15, 1838.

CHAP. 856—AN ACT to incorporate the Louisville Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That L. L. Shreve, Noah Haydon, W. H. Pope, Henry Lewis, B. R. McIlvaine, William Fellows, S. G. Henry, Robert J. Ward, Chapman Coleman and George Keats, and those who may hereafter associate with them as stockholders, and their successors, shall be and they are hereby created a body politic and corporate, until the year 1860, by the name of "the Louisville Manufacturing Company," and by that name are hereby made able and capable in law to take, purchase, hold and possess lands, tenements, hereditaments, goods, chattles and effects, to an amount not exceeding three hundred thousand dollars, and the same to sell, grant, demise, alien and dispose of at pleasure: also, to sue and be sued, plead, and be impleaded, answer and be answer-

Company in-
corporated.

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ed, defend and be defended, in all Courts and elsewhere. They may establish and put in force all such by-laws and ordinances that may be conducive and proper for the government of said corporation, and the management of its fiscal and prudential concerns, and the direction of its officers and agents. They may have and use a common seal, and change, alter and renew the same at pleasure, and may generally do and perform all such acts and things, for the purpose of carrying into effect the objects of this act, that corporations for limited purposes may lawfully do, so not contrary to the constitution and laws of this, or of the United States.

Capital stock. SEC. 2. That the capital stock of said company shall be divided into two hundred shares of five hundred dollars each, to be subscribed, paid for, and held by the persons named in this act, agreeable to such rules and regulations as the majority of them shall agree and direct; for which stock, when fully paid for, a certificate shall issue under the seal of the corporation, signed by the President and countersigned by the Secretary, which stock may be transferred by the proprietor thereof by a written transfer on the books of the corporation, in person, or by proxy, and the assignee shall have the right to surrender the certificate, and sue out a new one in his own name. The stock shall be personal estate, and pass as such; and each share shall entitle the holder to one vote in all elections, and at all meetings of the stockholders, and that the original distribution of the stock shall not be changed, nor a transfer to any other associate, without the consent of three fourths of the stockholders, but the stock shall pass to any executor or administrator, who shall be entitled to vote on it, and, if necessary for the payment of debts, may be sold without the consent of the stockholders.

Meetings of stockholders. SEC. 3. That L. L. Shreve, Noah Haydon, W. H. Pope, or one or more of them, may call the first meeting of the corporators at any convenient time and place in the city of Louisville, on ten days notice in writing, or by publication in a newspaper printed in the city of Louisville, and the members of the corporation, at that time, and on the first of January in each year thereafter, shall elect a business committee, to consist of three stockholders, one of whom shall be voted for as President; and to the business committee shall be confided the business of the corporation, which shall be to carry on the **Business of corporation.** manufacture of hemp, manella rope, tow, flax, cotton, and woollen goods, and they may purchase and erect such mills and works, machinery and buildings, as may be necessary to carry on their useful manufactures and branches of business, and the President shall, on the first Monday in each year, cause to be made a statement of the business and accounts of the company and a balance sheet of its affairs; and the business committee may divide the annual profits arising from the business, and pay the same over to the stockholders, but no **Dividends.** such dividend shall reduce the capital stock, nor shall the capital stock be withdrawn.

SEC. 4. The President and committee shall continue in office until their successors are elected and qualified; and in case the President or either of the committee die, or resign, the remainder shall supply the vacancy for the residue of the time, but none but stockholders shall be President or a member of the business committee.

SEC. 5. That the company may at any time, three fourths of the stock concurring, dissolve the corporation, and wind up its business: provided, they first pay the debts of the corporation; and if they shall so dissolve it, or shall withdraw the capital without paying the debts of the corporation, or shall lessen the capital by declaring dividends when there shall be no profits, the corporators shall be liable for the corporate debts in their individual capacity, and may be made liable by suit in equity against the corporation, or any one or more of the corporators, to the extent of the amount of their stock.

SEC. 6. The business committee shall appoint a Secretary and Treasurer, and such other laborers and agents, as the business of the corporation may require; and they shall be under the control and direction of said committee, who may remove them at pleasure. They shall cause a correct record of the proceedings of the corporation to be kept, and faithful and correct books to be kept of the business and operations of the company, and any violations of the charter shall operate as a forfeiture of the corporate privileges.

SEC. 7. The corporation may go into operation so soon as sixty shares shall be subscribed, and the residue may be sold at such time, and in such manner, as the corporators shall agree on.

Approved February 15, 1838.

CHAP. 857—AN ACT for the benefit of the Lexington and Ohio Railroad Company.

WHEREAS, the Commonwealth of Kentucky has heretofore guaranteed the bonds of the Lexington and Ohio Railroad Company, for the sum of one hundred and fifty thousand dollars, which has been applied to the construction of said road, and has also subscribed and paid for two hundred thousand dollars of stock in said company; and the city of Louisville has subscribed and paid for two hundred thousand dollars of stock in said company; and the city of Lexington and individuals has subscribed and paid for \$ of stock in said company; and the construction of said road is now in progress, and the sums already expended will be unprofitable until the road is completed; and whereas, much of the work done and materials furnished will decay and become an entire loss, unless the work shall be carried on to completion; and whereas, the company have not funds to progress with the work, and are not able to procure them without the aid of

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Vacancies filled.

Dissolution of the corporation.

Secretary &c. shall be appointed.

When to go into operation.

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this Commonwealth, and have petitioned the Legislature to authorize them to borrow the requisite sum, on the bonds of the company, guaranteed by the Commonwealth, on such equitable terms as the Legislature and the President and Directors of the company might agree on; and whereas, the President and Directors propose to mortgage the whole road to the Commonwealth, to secure the punctual payment of the interest, and the final redemption of the principal, and to give their individual bonds, faithfully to apply the money borrowed to the construction and completion of the road—with the liberty to the Commonwealth to convert the money borrowed on her guarantee into stock, at any time within six years after the completion of the road, on undertaking to redeem the bonds at their maturity, and paying the back and accruing interest, or, at their election, to have the entire net receipts of the whole road paid over monthly to the Commissioners of the Sinking Fund, and the surplus, after paying the interest on the money borrowed for the completion of the road, and six per cent. per annum, as a dividend to the stockholders, to be invested by said Commissioners in profitable stocks, until the amount so invested shall be equal to the payment of the accruing interest, and the final payment of the principal; and whereas, it is believed the stock will be profitable, and the road a great public advantage; but the Legislature are not disposed to make the guarantee on the terms proposed, but are willing to authorize the company to borrow the money, and to mortgage the road for the payment of the interest and the final payment of the principal, on the same terms offered to the Commonwealth—therefore,

Company may
borrow money
and mortgage
the road.

Terms of the
loan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the President and Directors of the Lexington and Ohio Railroad Company to borrow, on the credit of the company, as much as may be required to complete the same, not exceeding nine hundred thousand dollars, at a rate of interest not exceeding six per cent. per annum, payable at any place within or without the United States, and the principal redeemable at any time after thirty years; and said President and Directors and Company may execute a mortgage on the entire road, and real and personal estate of the company, to secure the payment of the interest as it falls due, and the final payment of the principal; and the President and Directors of said company may execute their individual bonds to the persons loaning the money in the penalty of double the amount borrowed, conditioned faithfully to apply the money borrowed to the construction of the road, and give to those who shall loan money, the right to convert the loan into stock at any time within six years from the completion of the road; and they may agree with the city of Louisville, or any individual or individuals, company or corporation, on whose guarantee the money can be borrowed, to mortgage the road, and real and personal estate of the

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company, for the guarantee of the punctual payment of the interest of the money as it falls due, and the final payment of the principal; and that the guarantor or guarantors, shall have the right, at any time within six years from the completion of the road, to take upon themselves the debt so incurred and guaranteed, and discharge or indemnify the company from the payment of principal and interest, and convert the amount into stock in said road; and said President and Directors may, and are hereby authorized, to execute a mortgage and agreement accordingly, binding all the interests of the company and its stockholders.

SEC. 2. That it shall be lawful for the President and Directors of the Lexington and Ohio Railroad Company to increase the capital stock of said company to two millions of dollars; and the further time of five years, from and after the passage of this act, is allowed said company to finish and complete said road according to the charter and amendments thereof; and the cities of Lexington and Louisville, and the counties through which said road passes, are hereby authorized to subscribe for stock in said company, and pay for the same in such manner as may be agreed upon between them, or any of them, and the President and Directors of said Railroad Company: provided, that a majority of the stockholders, (excepting the Commonwealth of Kentucky,) shall, at a general meeting of said stockholders, to be called according to the provisions of the eighth section of the charter of said company, accept the provisions of this act: provided further, that nothing in this act shall be construed as an extinguishment or release of the lien now held by the State on said road; but merely as a waiver or postponement of said lien, in favor of any mortgage hereafter executed by said company pursuant hereto, for obtaining money to complete said road.

Capital stock may be increased.

Stockholders to accept this act.

Lien of the State postponed.

Approved February 15, 1838.

CHAP. 858--AN ACT providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the fines and forfeitures which have or may accrue, by the judgment of the several Circuit and County Courts in this Commonwealth, and by the judgment of Justices of the Peace of the several counties, and the Police Judges of the several towns, together with the jury fee authorized by law, shall be and the same are hereby set apart, and shall constitute a Jury Fund, for the payment of Grand and Petit Jurors of the county, and all laws giving the fines and forfeitures to any other use are hereby repealed.

Fines, &c. and jury fees, a fund to pay jurors.

SEC. 2. That the Judge of the Circuit Court may appoint the Clerk thereof, or some other competent person, Trustee of the Jury Fund, and require bond and security of said

Trustee of the jury fund to be appointed.

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Trustee, for the faithful collection, safe keeping, and prompt disbursement of the fund, in payment of the Jurors, from time to time, as they shall be discharged: and the several courts shall have power to remove the Trustee of the Fund, and appoint another, as often as it may be necessary. The Trustee of the Jury Fund shall attend the court and pay the Jurors as they may be discharged, and he shall pay them in proper person the full compensation allowed them by law; and the court shall cause the Trustee to make oath that he has paid each Juror, in proper person, the full amount of the compensation he was entitled to. The court shall have power to compel the Trustee of the Jury Fund to discharge the duties required of him, by attachment and imprisonment.

Collection of
fines.

SEC. 3. That it shall be the duty of the Clerks of the several Circuit and County Courts, and the Justices of the Peace, and Police Judges, to issue process for the collection of all fines and forfeitures for which judgment has been rendered and which has not been paid in court or to the Justice, or which have not been collected by execution or remitted by the Executive, and keep the process renewed from time to time, until the fine and costs are collected, unless it appear, by the return of the officer, that the person is dead or has left the State. When the process is to another county, the Trustee of the fund shall send it by some safe conveyance or by mail, and pay the postage, and shall be entitled to a credit therefor in his account. He shall be entitled to receive all the fines and forfeitures in his county from the Clerks, Sheriffs, Constables and other officers who may receive them, and his receipt shall be an acquittance for the same.

Officers to pay
to the trustee.

SEC. 4. That it shall be the duty of the Clerks, Sheriffs, Constables and others having fines and forfeitures in their hands, to pay over to the Trustee of the Jury Fund all such fines and forfeitures and all jury fees, as soon as received, and they shall make their settlements up to and on the first day of each Circuit Court; and the Trustee of the Jury Fund shall report to the court, on or before the second day of the term, the amount of the fund in his hands, and from whom and when received, and on what account. He shall also report what officers have and what officers have not reported to and settled with him; and proceedings shall be forthwith taken, by summons and attachment, against those who have failed.

Justices of
peace, &c. to
report.

SEC. 5. That the several Justices of the Peace and Police Judges shall make out a list of the Judgments rendered before them for fines since the former report, to within six days of the sitting of each Circuit Court for the county, which list shall be delivered to the Trustee of the Jury Fund, with what money has been paid to him for fines and forfeitures, on or before the first day of the Circuit Court as aforesaid: but the first report shall extend back to the first of January, 1837: *Provided*, That if there be any fines and forfeitures in the hands of the Justice or Constable, when this act goes into effect, the same shall be paid over as herein required.

Sec. 6. That the Circuit and County Court Clerks shall make a list of the fines and forfeitures of the preceding court, and deliver the same to the Trustee of the Jury Fund, on or before the first day of the term of each circuit; and the Clerk and Sheriff, on or before the first day of each term, shall settle with the Trustee of the Fund, and pay over any fines and forfeitures that may be in their hands, notwithstanding they may have been received prior to the time the Circuit and County Court Clerks are required to make a list; and the Trustee of the Jury Fund shall have a right to order execution on any judgments for fines and forfeitures which remain unpaid, and have the same collected for the benefit of the fund; and any fines and forfeitures which may be in the hands of Commonwealth or County Attorneys shall be paid over to the Trustee of the Jury Fund, and if they fail or refuse payment, the Trustee shall report the same to the court, and they shall be proceeded against by summons and attachment.

1838.

Settlements
to be made be-
fore each court.

Sec. 7. That from and after the passage of this act, the Auditor of Public Accounts shall not audit any claim for jury fees, nor shall the same be paid out of the public Treasury, but they shall, under the direction of the court, be paid out of the Jury Fund; and when the Jury Fund shall be insufficient, the court shall have power and authority to cause the Clerks of the Circuit and County Courts to report to the first of each term the amount of the tax on writs, deeds and seals in their hands, and direct them to be paid over to the Trustee of the Jury Fund; and the certificate of the court of the amount reported and paid over, shall entitle the Clerk to a credit therefor in his annual settlement with the Auditor.

Auditor not,
hereafter, to
pay jury fees.

Sec. 8. That the list of the fines and forfeitures returned by the Clerks, Justices of the Peace, and Police Judges, to the Trustee of the Jury Fund, shall be filed with the Clerk of the Circuit Court, and from them the Clerks shall make out three lists of the fines and forfeitures recovered in the county, one of which he shall forward to the Auditor of Public Accounts to be noted on record for the information of the Legislature, and one he shall deliver to the Trustee of the Jury Fund, and the other he shall file with the lists returned by the Trustee of the Jury Fund; and if any Clerk, Justice of the Peace, or Police Judge, shall fail to make out the list and return the same, as required by this act, the Trustee of the Fund shall make it known to the court, on or before the second day of each term, and they shall be proceeded against by summons and attachment; and they shall be bound to make the report required, whether there has or has not been any judgments for fines before them or in the court since the last report.

Lists of fines
in each county
made out, &c

Sec. 9. That the Clerk shall enter the names of the jurors in a book to be kept for that purpose, with the number of days they have served and the amount they are entitled to; and when the juror is discharged, the Trustee of the Jury Fund shall pay the juror, and the juror shall sign his name in

Names and
pay of jurors to
be entered in
a book,

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the book as an evidence of the payment; and the Clerk shall issue no certificate to jurors for services hereafter rendered, and if the juror shall depart without calling for his compensation, it shall be considered a donation to the fund, unless there be no funds with which to make the payment, and if that be the case, an entry of no funds shall be made on the books.

Certificates
of pay to be
presented.

SEC. 10. That all certificates heretofore given to jurors, for their services, shall be paid by the Trustee of the Jury Fund, in the respective circuits, if presented on or before the first day of November 1838, if there be funds with which to pay them, and if there be no funds, the Trustee shall register them and make return thereof to the Clerk of the court, and pay those that are registered when there shall be funds in his hands, and all that are not presented on or before the first day of November 1838, shall be considered a donation to the fund.

Trustee to
settle at the
close of each
term.

SEC. 11. That the Trustee of the Jury Fund shall settle his account with the fund at the close of each term, and shall charge himself with all sums received, stating from whom and on what account and at what time received, and shall credit himself with all proper charges against the fund, including five per cent commission on the receipts, and payments made to jurors, exhibiting those made on certificates and those evidenced by the jury book, and the balance in his hands, if any, and if a deficiency, exhibiting the extent of the deficiency—which account shall be examined by the Judge and be sustained by the oath of the Trustee of the fund, and entered on the record before the final adjourning order is signed by the Judge: but where the Jury Fund hereby created shall not be sufficient to pay all the jurors, at the close of each term, it shall be the duty of the Judge to certify the deficiency to the Auditor of Public Accounts, who shall issue his warrant on the Treasury therefor in favor of the Trustee of the Jury Fund.

Clerks to
make out co-
pies of settle-
ments.

SEC. 12. That it shall be the duty of the Clerks of the several Circuit Courts to make out a copy of said settlements for the year preceding their settlement with the Auditor, and lodge the same in his office to be noted on his books and filed away for the information of the Legislature; and for services rendered by the Clerks, under the provisions of this act, he may make out his fee, which shall be examined by the Judge, and if correct he may admit it to be paid out of the Jury Fund.

Settlements
to be transmit-
ted to Auditor.

SEC. 13. That it shall be the duty of the several Circuit Clerks to make out a copy of all settlements with the Trustee of the fund, and a list of all the fines in the counties, up to the first day of December, and transmit them to the Auditor of Public Accounts for the information of the next Legislature.

Fines, &c. in
police court of
Louisville.

SEC. 14. That the fines and forfeitures accruing in the Police Court of Louisville, after the payment of three thousand two hundred dollars required to be paid out of the same into the public Treasury, shall be a fund to pay the grand and petit

jurors in said Court, and the Judge shall appoint a Trustee of the fund and proceed, in all respects, as the Judges of the Circuit Court are required to proceed under this act: *Provided*, That the three thousand two hundred dollars shall be first paid into the public Treasury.

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SEC. 15. That all fines and forfeitures for the violation of the by-laws and ordinances of the several cities and towns in this Commonwealth are excepted out of the provisions of this act.

Fines for by-laws excepted.

SEC. 16. That it shall be the duty of the several Judges of this Commonwealth when the Trustee of the Jury Fund shall settle his account at the close of the fall term each year, and there shall be a surplus in his hands over and above what will be required to pay the jurors at the next term, to make an order on the Trustee of the fund to pay the overplus into the public Treasury on or before the next term of the court, and the Trustee, at his next settlement, shall produce a quietus for the same.

Surplus of jury fund to be paid into the treasury.

SEC. 17. That nothing in this act shall be construed to take away any compensation allowed by law to informers or attorneys for the Commonwealth.

Approved February 15, 1838.

CHAP. 859—AN ACT to amend the law concerning writs of error and appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases now pending, or which may hereafter be prosecuted in the Court of Appeals, either by appeal or writ of error, the appellee, or defendant in error, may, without filing an additional record, or suing out a writ of error, or prosecuting a cross appeal, assign as many errors in law, in the record filed by the plaintiff in error, or appellant, as he, she or they may think proper; and, in deciding the case, it shall be the duty of the court to decide as well the question presented on such assignment, as on the errors assigned by the appellant or plaintiff in error.

Approved February 15, 1838.

CHAP. 860—AN ACT for the benefit of John Springer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts issue to John Springer a warrant on the Public Treasury for three hundred dollars, in consideration of his having supported Charles Springer, an idiot, for fourteen years next preceeding the twenty third day of November, one thousand eight hundred and thirty six; which warrant the Treasurer shall pay, out of any money in the Public Treasury not otherwise appropriated.

Approved February 15, 1838.

1838.

CHAP. 861.—AN ACT for the benefit of Austin Brown.

WHEREAS, — Brown owned a negro man slave by the name of Austin Brown, and departed this life intestate and without heirs or distributees to the knowledge of any one known to the said Austin Brown, and there has been no administration on his estate; and the said Austin Brown bears a good character, and has been in the enjoyment of his freedom for the two years last past, but is liable to be disturbed in the enjoyment thereof because of not being emancipated—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Austin Brown shall be and he is hereby entitled to his liberty, so far as the Commonwealth is interested, and shall be entitled to the protection of the laws as a free man, unless reclaimed by the heirs of the said — Brown, or by his administrator for the payment of debts.

Approved February 15, 1838.

CHAP. 862.—AN ACT for the benefit of Nancy Coppage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of one hundred and sixty seven dollars and fifty cents be and the same is hereby allowed to Nancy Coppage, the committee of Travis Coppage, an idiot, for his support and maintenance from the 11th day of December, 1833, to the 23d day of October 1837, payable out of any money in the Treasury not otherwise appropriated.

Approved February 15, 1838.

CHAP. 863.—AN ACT concerning a Fire Company in the town of Winchester

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any of the citizens of the town of Winchester shall have the same right to organize a Fire Company in said town, which is extended to the citizens of the towns of Bowlinggreen and Bardstown, by the act, entitled, an act to authorize a Fire Company in the towns of Bowlinggreen and Bardstown, and for other purposes, approved November 26th, 1831—which act shall apply in all respects to the town of Winchester; and the Trustees thereof shall be governed by said act as if the provisions thereof were herein specially enacted: provided, that the members of said Winchester Fire Company are hereby exempt from working on the public highways, as well as from militia musters and serving on juries.

Approved February 16, 1838.

CHAP. 864—AN ACT for the benefit of John Roberts.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John Roberts to file his bill in chancery, in the Nelson Circuit Court, against the administrator and heirs of Stephen May, deceased, and allege he purchased from said May a tract of land at a full and fair price, and paid part of the purchase money, and is willing to pay the balance; and that he was in the possession of the land in the lifetime of the said May, and with his consent; and it shall be lawful for the court to decree a specific execution of the contract, if it shall appear the contract was a fair and bona fide one, and for a full price.

Approved February 16, 1838.

CHAP. 865—AN ACT for the benefit of the Jailer of Allen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall hereafter be lawful for the County Court of Allen county to appoint Willis Mitchell jailer of said county, without requiring said Mitchell to change his place of residence.

Approved February 16, 1838.

CHAP. 866—AN ACT to change the name of Rose Hunley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Rose Hunley, infant daughter of — Hunley, deceased, be and the same is hereby changed to the name of Rose Berryman Taliaferro Clarkson, and that, hereafter, she be called and known by the latter name.

Approved February 16, 1838.

CHAP. 867—AN ACT for the benefit of Henry W. Hampton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the County Court of Gallatin county to hear a motion of Henry W. Hampton for the establishment of a ferry, across the Ohio river, at some convenient place opposite his land: whereupon, if it shall appear to said court that the said land, on the Kentucky side of said Ohio river, belongs to said Hampton; and, if it shall further appear to said court, that when persons crossing at the ferry at Warsaw, in said Gallatin county, as aforesaid, when they reach the Indiana shore of said river Ohio, have to travel down the said river till they reach a point on

County court of Gallatin may establish a ferry across the Ohio.

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said river opposite, or nearly so, to the place proposed by said Hampton for a ferry as aforesaid; and, if it shall appear, that on the Indiana shore of said river an impassible creek puts into the said Ohio river as aforesaid, it shall be lawful for said court to establish a ferry for said Hampton, under the same rules and regulations that ferries are now established in this Commonwealth, save the exceptions in this act.

Notice to be
given to owners
of ferries.

SEC. 2. That the said Hampton is hereby required to give at least twenty days notice, in writing, of his intended application for a ferry, according to the provisions of this act, to the owner, agent or occupyer of any ferry or ferries within one mile of the point, at which he proposes to establish said ferry, either above or below the said point as aforesaid.

Approved February 16, 1838.

CHAP. 863—AN ACT to improve the navigation of Goose Creek, in Clay County.

Appropriation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of six thousand dollars be and the same is hereby appropriated, out of the Internal Improvemēt fund, to be applied under the directions of the Board of Internal Improvement to the removal of obstructions in the downward navigation of Goose creek, from Wilson's and Quarrier's steam mill on the east fork, and Alexander White's salt furnace on Collin's fork, to their junction with the north fork of the Kentucky river.

Repealing clauses.

SEC. 2. That so much of the twenty fourth section of an act, entitled, an act defining the powers and duties of the Board of Internal Improvement, and for other purposes, approved February 29th, 1836, as appropriates the sum of three thousand dollars to the improvement of the south fork of the Kentucky river, be and the same is hereby repealed.

Approved February 16, 1838.

CHAP. 869—AN ACT to amend the charter of the Mechanics' Savings Institution of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fourth section of the charter of the Mechanics' Savings Institution of Louisville, be so amended as to authorize the President and Directors to select any stockholder, who owns five hundred dollars of the stock, as a voting member, although he may not be a weekly depositor, in order to enable the President and Directors to keep up the number of the stockholders to one hundred, as required by the charter.

Approved February 16, 1838.

CHAP. 870—AN ACT for the benefit of John Brents.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John Brents to file a bill in chancery, in the proper court, against Rachael Brents and Emeline Brents, alleging that they are infants, that he exchanged lands with them, and conveyed, on his part, and if it shall appear the exchange was beneficial to the infants, it shall be lawful for the court to confirm the exchange and cause the lands to be conveyed to the said John Brents by the said Rachael and Emeline Brents, which shall be effectual to pass the title.

Approved February 16, 1838.

CHAP. 871—AN ACT supplemental to the act, entitled, an act to establish the County of Carroll.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act to establish the county of Carroll, as fixes on the first Saturday in March next for holding a special term of the Circuit and County Courts of Carroll, be and the same is hereby repealed, and the first Thursday in the same month be and the same is hereby substituted instead thereof, at which time the said county of Carroll shall go into full operation.

Time of holding courts.

SEC. 2. That from and after the first Thursday in March next, all the right, title and interest of the Justices of Gallatin county, and their successors, in and to lots 182, 183, 184, and 185, in the town of Port William, on which are erected the court house and other public buildings, shall forever cease and determine; and all the right, title and interest of said Justices, and their successors, in and to the said lots and public buildings shall vest in the Justices of the Peace for the county of Carroll, then in office, and their successors, forever.

Public property vested.

SEC. 3. That the name of the town of Port William be and the same is hereby changed to Carrollton.

Name changed

SEC. 4. That the voters residing in that part of Carroll county taken from Henry, shall, hereafter, vote as the rest of the voters in the said county of Carroll.

Approved February 16, 1838.

CHAP. 872—AN ACT to amend an act, entitled, an act to reduce into several acts concerning Wills, the distribution of Intestates' estates, and duty of Executors and Administrators, approved February 24th, 1797.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the bond which shall be required by the County Court from an executor or administrator, with the will annexed, under the provisions of an act, enti-

1838.

Further condition of executors bond.

tled, an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the executors and administrators, approved February 24th, 1797, shall contain, in addition to the conditions prescribed by the above recited act, a further condition, that said executor or administrator, with the will annexed, as the case may be, will well and truly pay and deliver over all goods, chattels, moneys, or other property, which shall come to his hands, as executor or administrator, as aforesaid, to such person or persons as shall be entitled to the same by law, or the provisions of said will; and that he will faithfully perform and execute all trusts and powers with which he shall be invested by the provisions of said will.

Approved February 16, 1838.

CHAP. 873—AN ACT to protect the Currency.

WHEREAS, by the third section of an act, entitled, an act to amend an act, entitled, an act to incorporate the Louisville Hotel Company, approved February 13th, 1834, it is declared, "that hereafter no company, corporation, or body politic, shall presume to issue and circulate promissory notes, bills or checks, of the character and currency of Bank notes, without express authority in their charters:" and, whereas, by an act, entitled, an act to prohibit the circulation, within this Commonwealth, of bank notes of a less denomination than five dollars, approved February 28th, 1835, it is made unlawful to circulate any note or bill of a less denomination than five dollars, whether issued by an incorporated or unincorporated bank, or by an individual, or company; and, whereas, by an act, entitled, an act prohibiting the making and circulating drafts, checks or orders, as money, in this Commonwealth, it is declared, that it shall not be lawful for any person, or persons, company, or corporation, to make, or cause to be made, or circulate, or cause to be circulated, within this State, any drafts, checks or orders, directed to any person or persons, company or corporation, within or without this Commonwealth, requesting the payment of money, or other thing, at sight or after sight, or on demand, or otherwise, engraved, or not engraved, after the manner of bank notes, with the intent that such drafts, checks or orders, shall circulate and have circulation, in the place of money: and, whereas, adequate penalties are attached to said laws, as also to the laws against unchartered banks, and the circulation of private bank notes: and, whereas, some of the cities, towns, turnpikes and other corporations, and individuals and companies, in violation of these laws, and in defiance of their penalties, have flooded the State with an illegitimate and spurious currency, which has driven out of circulation the gold and silver, and rendered the currency, which

should be a uniform standard of value, an uncertain, unstable, unsafe one—therefore,

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Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the several Commonwealth's Attorneys in their several circuits, to ascertain the officers and agents of the cities, towns, turnpikes and other corporations, and of the individuals and co-partners who have violated these laws, and procure the necessary witnesses and cause them to be indicted and prosecuted to conviction.

Commonwealth's attorneys to prosecute offenders.

Sec. 2. That it shall be a sufficient charge, in any indictment for violating any of these laws, for issuing and circulating, or causing to be issued or circulated, any note, bill, draft, check or order, in violation of the before recited acts, to allege that the person charged, issued, or circulated, or cause to be issued and circulated, any one or more notes, bills, drafts, checks or orders, of the character and denomination issued, or circulated by the party, in violation of law, and the party may be convicted for the issuing or circulating as many of such notes, bills, drafts, checks or orders, as it shall be alleged, in the indictment, was issued, or circulated, or caused to be issued or circulated, by him, and it shall be proved was in circulation, with the party's proper signature thereto, or that he circulated, or cause to be put in circulation.

Sufficient indictment.

Sec. 3. That it shall be the duty of the Judges of all the Courts in this Commonwealth, to give this act, and the before recited acts, in charge to the grand juries, and when indictments are found, the Court may set the cause for trial on some day of the same term.

Judges to give charge to grand juries.

Sec. 4. That the Governor of this Commonwealth shall cause this, and the before recited acts, to be enforced, and shall cause this act to be published, and the Judges and Commonwealth's Attorneys to be furnished with a copy.

Governor to cause acts to be enforced.

Sec. 5. That one fourth of all the fines recovered by indictment for the violation of the before recited acts, shall go to the Commonwealth's Attorneys for additional compensation for the prosecutions. The Governor shall have power to employ counsel to aid in the prosecutions in such of the circuits as he may find it necessary, and make compensation out of the fines.

Compensation to attorneys.

Approved February 16, 1836.

CHAP. 374—AN ACT concerning Transylvania University.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act, approved the third of February, 1818, as provides that there shall be thirteen Trustees appointed for Transylvania University, every two years, shall be and the same is hereby repealed; and

Number of Trustees reduced to five.

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that, for the further temporary government of said institution, the Governor shall be and is hereby authorized to appoint five Trustees, who, or a majority of them, shall be vested with all the power and enjoy all the rights, privileges, immunities, and authority, of the present Board of Trustees of Transylvania University, except so far as is herein otherwise provided, until the end of the next session of the Legislature.

Trustees to
report.

SEC. 2. The Board of Trustees shall, within the first ten days of the session, make a report, in which they shall set forth the number of students, the income, debts and expenditures of the institution, and such other matters as will afford a full view of its actual condition and future prospects.

Trustees to
obtain information,
&c.

SEC. 3. The Board of Trustees shall open a correspondence, as soon after their appointment as convenient, with the Presidents of the principal Universities in the United States, and such other persons as they may think proper, with a view to obtain information as to the best mode of managing and governing Transylvania University; and they shall include such information as they may obtain in the report, directed to be made in the second section of this act.

Approved February 16, 1838.

CHAP. 875—AN ACT to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Kentucky.

Incorporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Joseph Metcalfe, Charles Q. Black, John Thomas, Thomas C. Powell, and J. W. Brite, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the "Grand Lodge of the Independent Order of Odd Fellows;" and they, with their associates and successors, shall so continue, and have perpetual succession; and by that name are hereby made capable in law, as natural persons, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to answer and be answered, in all courts of law and equity in this Commonwealth, and elsewhere; to make, have and use a common seal, and the same to break, alter, or amend, at pleasure; they may make and ordain such regulations and by-laws for their government, as, from time to time, they may deem proper, and may change and renew the same at pleasure, provided that they be not in contravention of the constitution and laws of the United States, or of this Commonwealth.

May hold
property.

SEC. 2. The said corporation shall have the right to purchase and hold a suitable lot or lots in the city of Louisville, upon which to erect such buildings as may be wanted for the use of the Grand Lodge, subordinate lodges, and encampments of Odd Fellows, as are now in existence, or may be hereafter created in said city.

Sec. 3. Said corporation shall have the power to raise money, by subscription or borrowing, to any amount not exceeding thirty thousand dollars, and lay the same out as specified in section the second.

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May raise money.

Sec. 4. Said corporation shall have power to sell, or otherwise dispose of, the ground acquired by virtue of this act, or any portion thereof, provided they deem the same necessary.

May sell their lands.

Sec 5. Within thirty days after the passage of this act, the corporators herein named, or a majority of them, shall call a meeting at a convenient time and place in the city of Louisville, and give due notice thereof to the residue; and at such meeting may adopt such permanent regulations as to the majority may seem proper.

First meeting of the corporators.

Sec. 6. It shall be the duty of the corporators herein named, and their associates, to appoint a Board of Managers, consisting of five members of the Grand Lodge, whose duty it shall be to take charge of the fiscal concerns of said corporation, a majority of whom shall constitute a quorum to do business.

Board of managers.

Sec. 7. Said Grand Lodge shall not have or exercise, under this charter, any power or privilege not herein expressly granted; and the Legislature reserve the right to amend, modify or repeal this act; but the repeal shall not deprive the said Grand Lodge of the Independent Order of Odd Fellows of the property and effects acquired and held under this charter.

The right to repeal or modify this charter reserved.

Approved February 16, 1838.

CHAP. 876—AN ACT to incorporate the Louisville Medical Society.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that a number of individuals connected with the Louisville Medical Institute are desirous of being incorporated as a society, under the name hereunto annexed, for the purpose of cultivating, to more advantage, the science of medicine; and, whereas, the usefulness of such an institution, under correct and efficient regulations, cannot be denied: and, whereas, the sphere of its influence would be much extended were it recognized and sanctioned by the Legislature of this Commonwealth; and it being the wish of this body to give encouragement to literature, and especially to that part of it whose aim is the promotion of health—therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lunsford P. Vandell, President; Jesse H. Rodman, Vice President; Erasmus D. Foree, Secretary; William R. S. Murray, Treasurer; William Kellar, William C. Kendall, George W. Bayless, Thomas J. Montgomery, and other members, and their successors, shall be and they are hereby declared and constituted a body cor-

Society incorporated.

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porate and politic, by the name and style of the "Louisville Medical Society," and by that name shall have perpetual succession, of officers and members; and a common seal, with full power to change, alter and make new the same as often as they shall judge expedient.

Hold property.

SEC. 2. That the said corporation, and their successors, shall have power to purchase, receive and possess property to the amount of ten thousand dollars, for the procurement, hereafter, of a Library, and building to contain it; and that the said Society, by the name and style aforesaid, may sue and be sued, plead and be impleaded, either in law or equity, in any court or before any Justice having competent jurisdiction.

By-laws.

SEC. 3. That the said Society shall have power to make all such by-laws, rules and regulations, not repugnant to the laws of the Commonwealth, as they, or a majority of them, may deem necessary or expedient for the government, support and prosperity of the said Society: provided, that said Medical Society shall not have the power to create professorships, deliver lectures, or confer degrees in medicine or surgery.

Approved February 16, 1838.

CHAP. 877—AN ACT to establish a State road from Williamstown, in Grant County, to Warsaw, in Gallatin County.

Commissioners to view the road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Hampton, Lewis Myers, and Mirax J. Williams, of Grant county, and Daniel Cave, James H. Sayers and James Sleet, of Gallatin county, be and they are hereby appointed (any three of whom may act,) to view and mark out the nearest and most practicable route for a State road, thirty feet wide, from Williamstown, in the county of Grant, to the town of Warsaw, in the county of Gallatin; and shall make their report, upon oath, to their respective County Courts, whose duty it shall be, on the reception of said report, to cause an order to be issued for the opening of the same, and shall appoint a Surveyor, or Surveyors, and allot them a sufficient number of hands to open the same; said road to be opened thirty feet wide, all timber taken out, stumps not to be more than twelve inches above the surface of the ground, and hills to be well graded.

The road to be opened.

Damages for right of way.

SEC. 2. That if any person whose land it may pass through shall object to the same, the County Court in which said land may lie, shall cause to be summoned a jury of twelve men, free holders, of their county, whose duty, after first being duly sworn, to assess the damage that would accrue to said individual from establishment of said road through his, her or their land, and the sum so assessed shall be paid out of the

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county levy of the county in which said land may lie, and the County Courts are hereby authorized to levy a sum sufficient to cover all sums that may be assessed, as aforesaid, together with costs.

Sec. 3. That the Commissioners, aforesaid, shall receive one dollar and fifty cents per day, whilst engaged in running and marking out the same to be paid out of the county levy, as aforesaid.

Commissioners pay.

Sec. 4. That in no instance shall the County Courts of said counties be compelled to pay damages when it is over one hundred dollars, unless it should to them seem advisable.

Approved February 16, 1838.

CHAP. 878—AN ACT for the benefit of the estate of Edmund H. Taylor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the committee of Edmund H. Taylor, a person of unsound mind, may file a bill in chancery, in the Louisville Chancery Court, against the said Taylor, setting out the debts of the said Taylor, and a schedule of his estate, and that it would be to the interst of his family to have real estate sold for the payment of debts instead of the slaves and personal estate; and it shall be lawful for said court to investigate the debts against the estate of said Taylor, and to have the real estate valued, as, also, the slaves and personal estate, and to decree a sale of so much of the real estate as will pay the debts and save the slaves and personal estate for the use of the family, if it shall be to their advantage; and to make all proper orders to carry the same into effect, and cause the estate to be conveyed, and the proceeds of sale to be applied to the payment of the debts.

Approved February 16, 1838.

CHAP. 879—AN ACT imposing further duties on the Commissioners of the Revenue in the year 1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the revenue shall, in the present year, ascertain and take in lists of all the free white male citizens over the age of twenty one years, and inhabitants of their respective districts, who, by the constitution and laws of this State, shall be entitled to vote for representatives to the Legislature, in any county in this State at the next August election; and said Commissioners shall, in addition to the oath required by the laws now in force, take an oath well and truly to ascertain all the free white male citizens over the age of twenty one years, and inhabitants of their respective districts, and just and true return make there-

To take in lists of all male citizens over 21 years of age.

1838.

List to be re-
turned to Au-
ditor's office.

of, with their lists of taxable property for the present year, to the County Court; and, in an appropriate column, designate that it is the list of the free white male citizens over the age of twenty one years, and inhabitants of their respective districts; and the Clerks of the several County Courts shall include said lists in the copies of their Commissioners' books returned to the Auditor's Office: and that the Secretary of State, immediately forward to said Clerks, by mail, a competent number of copies of this act, for distribution among the Commissioners of the revenue in their respective counties.

Approved February 16, 1838.

CHAP. 880—AN ACT for the benefit of the heirs of Robert Harrison, dec'd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the suit of Robert Harrison against the heirs at law of Robert Harrison, deceased, in the Livingston Circuit Court, it shall be lawful, if the court decrees a sale of the real estate descended to the heirs for the payment of debts due to the complainant, to direct the real estate in the town of Smithland to be sold, at any time and place the court may direct, in the town of Smithland.

Approved February 16, 1838.

CHAP. 881—AN ACT to amend the charter of the Louisville Marine and Fire Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Louisville Marine and Fire Insurance Company to loan any money they may have, from time to time, by the discount of notes, on the same principles that other insurance companies are authorized to loan their money, provided that they shall not take more than six per cent. interest per annum, and at that rate for a longer or shorter time, calculated on the principles of Rowlett's tables of interest and discount. That it shall be lawful for the stockholders in said company to sell and transfer their stock to non-residents, as well as to residents.

Approved February 16, 1838.

CHAP. 882—AN ACT offering a further reward for the discovery of the true cause of the disease called the Milk Sickness.

Reward of-
fered.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of two thousand dollars shall be and the same is hereby offered to any person or persons, who shall, within three years after the passage of

this act, discover and make known, as herein provided, the true cause of the disease commonly called the milk sickness; and if any person or persons shall discover the cause, and make the same known, as herein provided, he or they shall be entitled to the sum aforesaid.

SEC. 2. That any person who shall claim to have discovered the cause of said complaint, may set forth the fact of such discovery in a written memorial, addressed to the Board of Physicians hereinafter provided for, in which the memorialist shall set forth the fact of his having discovered the cause, together with such facts and circumstances as may tend to show that the enquiry is worthy of being pursued, and shall present the same to such members of the Board as may be convenient, who (so that at least two shall concur,) may take the necessary steps to convene the Board, at such time and place as they shall appoint for that purpose, of which appointment they shall give written notice, by letter, through the post office, to all the other members of the Board: and, also, cause the time and place of such meeting to be published in a newspaper printed in the section of country in which the greater part of the Board, to whom written notice is given, as aforesaid, shall reside; and that part of the Board, convening a meeting as aforesaid, may, at their discretion, require the party at whose instance a general meeting of the Board is called, to deposit such a sum of money with them as they may deem necessary to pay the actual expenses of the Board while making the examination hereinafter provided for, and the sum so deposited shall be applied accordingly, unless the Board shall voluntarily decline receiving the same, in which case it shall be refunded to the person making the deposit.

SEC. 3. The following physicians shall constitute a Board to make the enquiries contemplated by the preceding section, to-wit: Charles Sebastian and Benjamin Wathen, Breckinridge county; Boanerges Roberts, Warren county; John M. Austin, Butler county; Walter Jones, Logan county; Turner Goodall, Monroe county; Joel Owsley, Cumberland county; Lyman Martin, Owen county; John Bennit and John Orr, Campbell county, and James E. Throckmorton, of Caldwell county; not less than six of whom shall be a quorum to proceed with the examination. It shall be the duty of said Board to make a thorough examination into the truth of the alleged discovery of the cause of said disease. They shall make, or cause to be made, in their presence, full and fair experiments, in such different modes as shall afford a complete test; and such full information as to leave no doubt upon the minds of the Board that the true cause has been discovered: and the said Board shall make a detailed report of their proceedings and experiments, and the results thereof, together with their opinion whether the true cause of the disease has been discovered; which report shall be laid before the medical faculty of Transylvania University, who shall ex-

1838.

Discovery to
be reported to
a board of phy-
sicians.

Board to
meet.

The board of
physicians.

Their duty.

Their report
to be laid be-
fore Transyl-
vania Univer-
sity.

1838.

amine the same, and report their opinion, or the opinion of a majority, thereupon to the next succeeding Legislature, for their approval or disapproval: and if approved, an appropriation shall be made for the payment of one half of the reward immediately, and the other half at the expiration of one year, unless the Legislature shall have discovered, in the mean time, that the true cause of the disease has not been discovered by the party in whose favor the appropriation has been made. The concurrence of at least three fourths of the members of the Board in attendance shall be necessary to entitle any person to the reward herein provided.

Proceedings
where two persons claim to
have made the
discovery.

SEC. 4. If two or more persons shall claim to be the discoverers, the one first presenting his memorial shall be deemed the discoverer. If he shall forthwith proceed, without any unnecessary delay, to establish his claim, and shall succeed in doing so; but if he shall fail to proceed, without any unnecessary delay, or shall not succeed in establishing his claim as the discoverer, then the person next presenting his memorial shall have a right to proceed, as herein directed, to establish his claim; and so on successively as they shall have presented their memorials. And to the end that it may be certainly known which memorial was first presented, the member of the Board to whom any memorial may be presented, shall endorse on the same the date of the presentation.

Approved February 16, 1838.

CHAP. 883—AN ACT further to provide for the Internal Improvement of the State.

Appropriations for roads.

Proviso,

Order in which
the money is to
be disbursed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That to enable the Board of Internal Improvement to pay the subscriptions of the Commonwealth to turnpike roads, and completing such as have been put under contract or commenced, with the authority or consent of the Board, the sum of four hundred thousand dollars is hereby appropriated for the present year, and the Board of Internal Improvement shall make no additional subscription to turnpike roads except as hereinafter authorized: *Provided,* that when turnpike roads to which conditional subscriptions have been made, have been put under contract without the consent of the Board of Internal Improvement, they may investigate the contracts and the subscription lists, and either approve or disapprove them, and if they approve, cause the State's subscription to be paid, as though the contracts had been made with the consent of the Board. That in disbursing the four hundred thousand dollars to be borrowed by this act, it shall be the duty of the Board of Internal Improvement, first to pay the State's proportion of subscriptions to roads now under contract by order of the Board, and that in letting contracts

upon new works, they shall be governed by the order of time in which subscriptions were made by the Board.

Sec. 2. That in addition to the sums heretofore appropriated to the Licking river navigation, there shall be and is hereby appropriated the sum of fifty thousand dollars, to be expended in the construction of Locks and Dams now under contract on that river. That in addition to the sums heretofore appropriated to the Kentucky river navigation, there shall be and is hereby appropriated, the sum of seventy five thousand dollars, to be in like manner expended in the construction of the works now under contract on that river. That in addition to the sum heretofore appropriated, there shall be and is hereby appropriated to the Green and Barren river navigation, the sum of one hundred and seventeen thousand dollars, to be in like manner expended in the completion of the works now under contract on those rivers; and for the purchase and delivery of hydraulic lime, there shall be and is hereby appropriated, the sum of fifty thousand dollars; and it shall be the duty of the Board of Internal Improvement to cause the Locks and Dams under contract on the Green and Barren rivers, to be completed during the year 1833, if practicable; and for the purpose of completing the navigation on the green and Barren rivers, and the tributary streams to the extent the water will be slacked in those streams by said Locks and Dams, the Board may cause the trees on the banks of those streams to be cut down and the banks cleared.

Sec. 3. That to enable the Board of Internal Improvement to subscribe additional stock on such parts of the turnpike road from Hardinsville to the Crab Orchard, as are not under contract or completed, the sum of twenty five thousand dollars is hereby appropriated, and the Board of Internal Improvement is hereby authorized to subscribe, at the rate of two dollars on the part of the Commonwealth, for one dollar subscribed on the part of Individuals, for the purpose of having said road connected and completed.

Sec. 4. That it shall not be lawful for any Turnpike road Company in which the Commonwealth is a stockholder, to put any part of the road under contract without authority from the Board of Internal Improvement in writing, and when individuals have or shall increase their stock in turnpike roads commenced or in progress, for the purpose of raising the necessary funds to complete the same, and under existing laws, the Commonwealth should also increase her stock in fulfillment of the just expectation arising from those laws, the Board of Internal Improvement shall have authority to increase the subscription of stock on behalf of the Commonwealth.

Sec. 5. That the said Board shall not permit any turnpike road in which the Commonwealth is a stockholder to be put under contract until they have caused the whole road, authorized to be made by the charter, to be surveyed, and an estimate

1838.

Appropriation to Licking river.

Kentucky river

Green and Barren rivers.

For hydraulic lime.

Locks and dams on Green and Barren rivers to be completed in 1833.

Trees on tributaries to be cut down.

Roads from Hardinsville to Crab Orchard.

Roads not to be put under contract without authority of Board.

Board may increase State's stock in roads.

Roads to be surveyed before put under contract.

1838.

Subscriptions
of individuals
with that of
State to be suf-
ficient, &c.

Proviso.

Proviso.

Keeping roads
in repair.

Rates of toll
may be increas-
ed to make 4
per cent.

Monthly and
quarterly state-
ments.

Placing toll
gates at equal
distances.

made of its cost, including the right of way, and shall have examined the subscriptions of individual stockholders and ascertain that they are able to pay the subscriptions, and that the subscriptions of the individuals with those of the Commonwealth, are sufficient to finish any road begun, or to complete at least twenty miles of road in one continuous line, commencing at such point as the Board may direct, and they shall have a right to withhold the subscription on the part of the State until the company shall agree to apply the money subscribed by individuals as well as by the State to the making of said continuous line of road: *Provided*, That when a survey has already been made of any turnpike road and the Board think proper to adopt it, a re-survey shall not be considered necessary: *Provided further*, That in all cases where there are intervals not under contract of less than twenty miles, it shall be lawful to authorize the interval to be put under contract.

SEC. 6. That it shall be the duty of the Board of Internal Improvement to adopt the best and most economical mode of keeping the turnpike roads in repair; to furnish the companies respectively with the plan; and the Board of Internal Improvement shall require the turnpike road companies not to make contracts for the repair of the same, against the advice and consent of said Board, who are hereby authorized, in all cases by them deemed proper, to cause an Engineer to superintend said repair, and to enable the Board to discharge the duties herein specified, they are hereby authorized in all elections of President and Directors, or managers of the turnpike companies, respectively, to vote the stock of the State.

SEC. 7. That the Board of Internal Improvement shall have the power to direct the different turnpike companies upon whom that power has not heretofore been conferred by law, to regulate the rates of toll on their respective roads in such manner as to enable the said companies to pay the cost of repairs, and not less than four per cent. in dividends to the stockholders, and the said Board shall require the said companies to make to them monthly statements of the receipts of tolls at each toll gate on the said turnpikes, and keep a record thereof; and they shall also require from the said companies quarterly statements of the sums expended for repairs and expenses, and of the sums contracted to be paid, and it shall be the duty of said Board to communicate the substance of said statements to the General Assembly, in their annual report to the same.

SEC. 8. That it shall be the duty of said Board of Internal Improvement to enquire into and ascertain whether any wrong or injustice has been done to any portion of the citizens of this Commonwealth, by reason of the location of any of the turnpike gates at unequal distances from each other, and if there be any gates placed nearer than five miles apart, it shall be the duty of the Board to use its influence and au-

thority, not inconsistent with, or in violation of, the charters of the turnpike companies and the laws applicable thereto, to have such gates placed as nearly as favorable circumstances will allow, at distances from each other as equal as their several charters will admit of: *Provided*, That if a change of the location of any of the toll gates shall, in the opinion of the Board, be calculated to do injustice to the company or companies, by affording to travellers or other persons, an opportunity fraudulently to avoid the said gate or gates, in that case it shall be the duty of the Board, instead of causing the said gate or gates to be moved, to make fair and equitable compromises or arrangements with the citizens in the immediate vicinity of such gate or gates, by permitting them to pass and repass in the pursuit of their ordinary business and neighborhood intercourse, either free from toll or upon such terms and conditions as will prevent any oppression or injustice consequent upon any irregularity in the location of the gates or otherwise.

1838.

Proviso.

To make equitable arrangements with persons in the vicinity of gates for passing.

Sec. 9. That the Board of Internal Improvement are hereby directed and required to put under contract the present year, the necessary works for the improvement of the navigation of the Cumberland river from the point designated by the Engineer who last examined and surveyed the said river to the Tennessee line, and cause to be expended the money heretofore appropriated for the improvement of the same, or so much thereof as will be sufficient to remove the obstructions to a safe and convenient descending navigation.

Cumberland river.

Sec. 10. That the accounts of the members of the Board of Internal Improvement shall not be allowed, until the same shall be approved by the Governor.

Account approved by the Governor.

Sec. 11. That the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be expended by the Board of Internal Improvement, to improve the descending navigation of Little river in the county of Trigg, from Jackson's mill to the mouth.

Little river.

Sec. 12. That the bonds or scrip of the State, authorized to be sold by the Governor, for purposes of Internal Improvement, may be sold at a rate of interest not exceeding six per centum per annum, and the same may be made redeemable at any time after thirty years: provided, that the amount of said bonds or scrip hereby authorized to be sold, shall not exceed the sum of twelve hundred and fifty thousand dollars.

Scrip to be sold.

Sec. 13. That the Board of Internal Improvement shall have power to subscribe for stock in the turnpike road from Glasgow through Scottsville to the Tennessee line, for the purpose of having a connected line of turnpike from Louisville to Nashville; and may authorize the same to be put under contract, if they shall ascertain that the people of Tennessee have let and are connecting a turnpike in that State to meet the same, and for that purpose the sum of twenty thousand dollars is hereby appropriated, to be expended in the year 1838.

Road from Glasgow, thro' Scottsville, to Tennessee line.

1838.

Purchase of
land at locks
and dams.

Deeds to be
recorded.

Estimate of
water power at
locks to be
made.

Provision of
former act con-
tinued in force.

Road from
mouth of Salt
river to Shaw-
neetown.

Rough creek,
Nolin, Bear &
Caney creeks.

Bridge across
Rough creek.

Sec. 14. That the Board of Internal Improvement shall have power and authority to purchase at the locks and dams now under contract, and which may hereafter be put under contract, such quantity of land as may be required to use the water power advantageously, not exceeding one hundred acres; and all such purchases shall be evidenced by writing, and all deeds made pursuant to any purchase under the provisions of this section, shall be made to the Commonwealth of Kentucky, and certified and acknowledged as deeds are, passing between individuals, and shall be recorded in the Clerk's office of the Court of Appeals or General Court.

Sec. 15. That the Board of Internal Improvement shall cause an estimate to be made of the spare water power at each lock and dam now under contract on the Green, Barren, Kentucky and Licking rivers; and make out an estimate of what annual rent the same should be let by the Commonwealth, when the locks and dams are finished, and report to the next Legislature.

Sec. 16. That the provisions of the 31st section of the act defining the powers and duties of the Board of Internal Improvement, approved 29th February 1835, be and the same are hereby continued in force for, and during the year 1838, and no longer. And whereas the County Court of Breckinridge has raised by taxation a sum in addition to the amount authorized by the before recited section to be subscribed and levied; and the same cannot be availably expended without the co-operation of the State, as provided by said act; therefore, when the County Court of Breckinridge shall place under the control of the said Board, the sum which has been levied by the County Court, the said Board shall advance, on the part of the State, a sum not exceeding three thousand dollars, to be expended under their direction to the improvement of that part of the State and stage road leading from the mouth of Salt river to Shawneetown, which lies in the county of Breckinridge.

Sec. 17. That the sum of three thousand five hundred dollars, part of the sum heretofore appropriated to the improvement of the navigation of Rough creek, be and the same is hereby placed under the direction and control of the Board of Internal Improvement, to be expended in the improvement of the descending navigation of Nolin, Bear and Caney creeks, if in the opinion of the said Board, after an examination of said streams by an Engineer, they are deemed by said Board of sufficient importance to justify said expenditure; and whenever the sum of fifteen hundred dollars shall be raised by individual subscription or levy of the County Courts of Breckinridge and Grayson, the said Board are hereby authorized to take from the appropriation heretofore made to Rough creek, a sum not exceeding three thousand dollars, to erect a bridge across said stream at the great falls thereof, at a suitable point to connect with the road leading from Cloverport to Bowling-

green; and the building of said bridge shall be let in such manner as said Board shall think proper.

SEC. 18. That no more locks and dams shall be put under contract by the Board of Internal Improvement on Green river, Barren, Kentucky or Licking river, during the year 1838.

SEC. 19. That hereafter it shall be the duty of the President and Directors, or managers of any turnpike road company, in which the State is a stockholder, to guard the Commonwealth against any fraudulent practices, on the part of individual subscribers, and to prevent individual subscriptions from being made, not of a fair and bona fide character, but for the purpose of procuring subscriptions on the part of the State merely, with the expectation of becoming road contractors, and not with the intention to pay the amount of their subscriptions in good faith, according to the true meaning and intent of the law; and it shall be the duty of the aforesaid President and Directors, or managers of the turnpike roads respectively, before they enter upon their respective duties, to make oath before some officer who may be qualified to administer the same, that they will faithfully discharge their duty according to law, and that they will not knowingly, permit any fraudulent practices against the Commonwealth, but that they will endeavor, as far as in them lies, to prevent such practices by individual stockholders, or road contractors, or otherwise, and a certified copy of such oath shall, in all cases, be deposited with the Board of Internal Improvement, before any subscriptions shall be made on the part of the State by said Board.

Approved February 16, 1838.

1838.

What streams not to be put under contract in 1838.

Directors, &c. to guard against frauds.

CHAP. 884—AN ACT for the benefit of the heirs of Henderson J. Colvin, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any one or more of the heirs of Henderson J. Colvin, deceased, to file a bill in chancery, in the proper Circuit Court, against the administrator and other heirs of the said Colvin, alleging that the personal estate is insufficient to pay the debts, and that it will be necessary to sell the lands, or a part thereof, for the payment of the debts, and that a sale of the residue will be the most advantageous mode of dividing the same, and the court shall be authorized to investigate the debts and the accounts of the administrator, and to decree a sale of the lands and cause the debts to be paid, and the balance of the proceeds divided among the heirs, and make all necessary and proper orders and decrees in the effectuation of the sale and the objects of this act.

Approved February 16, 1838.

1838.

CHAP. 885—AN ACT to regulate the Circuit Courts in the 15th Judicial District.

Time of holding
Laurel
court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That after the next term of the Laurel Circuit Court, the said court shall commence on the Tuesdays succeeding the first Mondays in March, June and September, and continue five juridical days, if the business of the court shall require it.

Harlan.

SEC. 2. That the Harlan Circuit Court shall commence on the Wednesdays after the first Mondays in May, August and November, and continue four juridical days, if necessary.

Perry.

SEC. 3. That the Perry Circuit Court shall, hereafter, commence on Tuesdays after the second Mondays in May, August and November, and continue five juridical days, if necessary.

Process to be
returnable to
terms as changed.

SEC. 4. That all judicial process whatever that may now be issued, or hereafter issued, previous to the terms mentioned in the foregoing sections, and all recognizances which may be made returnable to the present time for holding said terms, shall be as valid and good as though this act had not passed.

SEC. 5. That in case the Judge presiding in said Circuit should fail to attend on the first or second days of either terms in said circuit, he may open said courts on the third day of their respective terms.

Approved February 16, 1838.

CHAP. 886—AN ACT for the benefit of the Bardstown and Louisville, and Shelbyville and Louisville Turnpike Companies.

Two gates
may be put up
at one place.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the President and Managers of the Bardstown and Louisville Turnpike Road Company to put the second and third toll gates on said road from Bardstown at one place, and erect and establish one toll gate instead and place of the two, and to charge double tolls at the place where the two gates shall be removed to: *Provided,* The Board of Internal Improvement shall first assent thereto.

Toll may be
paid at end of
road.

SEC. 2. That it shall be lawful for said President and Managers to make such arrangements, that persons travelling said road may pay at the gates at each end of said road for all the gates on said road.

Certificate of
stock, &c.

SEC. 3. That it shall be lawful for the President and Managers of the Bardstown and Louisville, and of the Louisville and Shelbyville, and Louisville Turnpike roads, to take in the present certificates of stock in each of said companies, and issue other certificates of stock, in such form as they may deem proper, and include all the shares held by any one person,

company or corporation, in one or more certificates, as shall be desired.

1838.

Approved February 16, 1838.

CHAP. 887—AN ACT for the benefit of Rebecca Gwin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Rebecca Gwin and her husband, Joseph Gwin, is forever dissolved, so far as relates to said Rebecca Gwin, who is hereby restored to all the rights and privileges of an unmarried woman.

Approved February 16, 1838.

CHAP. 888—AN ACT to amend the Charter of the Lexington and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Lexington and Ohio Railroad Company be so amended, as to authorize said company to charge the sum of twenty five cents for each passenger and his baggage, not exceeding forty pounds in weight, from Portland to Main street of the city of Louisville.

Approved February 16, 1838.

CHAP. 889—AN ACT to incorporate the College of Physicians and Surgeons of the City of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the promotion of medical science, and the encouragement of order and harmony among the members of the profession, the following individuals in the city of Louisville, viz: William C. Galt, Richard Ferguson, Charles Caldwell, John E. Cook, Coleman Rogers, — Pendergrast, Lewellen Powell, — Mosby, — Martin, Jedediah Cobb, Henry Miller, Joshua B. Flint, Lunsford P. Yandell, Thomas L. Caldwell, Lewis Rogers, Richard W. Ferguson, John M. Talbot, Theodore S. Bell, — Jarvis, Richard Wantyn, C. M. Way, J. Middleton, J. Martin, J. W. Hall, B. H. Hall, and their associates and successors, shall be and are hereby incorporated and constituted a body politic, with perpetual succession, by the name and style of "the College of Physicians and Surgeons of the city of Louisville," and in that name may acquire, hold and enjoy all such real and personal estate, as may be necessary and proper for the use and accommodation of said college, and the same may sell and convey at pleasure, provided that the annual income of such real and personal estate shall not exceed the sum of ten

College incorporated.

1838.

thousand dollars; they may, also, contract and be contracted with, sue and be sued, plead and be impleaded with, in their corporate name, and may have and use a common seal, and change, and alter, and renew the same at pleasure.

Officers of
the society.

SEC. 2. The officers of said society shall consist of a President, Vice President, four Censors, a corresponding and recording Secretary, and a Treasurer; and the college shall have power to create and fill such other offices as may be found convenient and useful to promote its objects; and, also, to frame a constitution and by-laws, and adopt such rules and regulations as may be necessary and proper for the good government, permanency and usefulness of the same: *Provided, however,* That such constitution, by-laws, rules and regulations, shall be in accordance with the constitution and laws of the United States and of this Commonwealth.

By-laws.

Annual elec-
tions of officers.

SEC. 3. The officers of the college shall be elected, annually, by the regular members thereof, at such time and place, and under such regulations, as may be prescribed by the college; but in the event of the occurrence of a vacancy by death, resignation, or otherwise, in the interval, it shall be lawful for the college to proceed at any regular meeting to fill such vacancy.

Members of
the college.

Provido.

SEC. 4. The college shall be composed of regular members, or such as participate directly in the duties and administration of the concerns of the college, and honorary members, to all of whom certificates of membership shall be granted in such form as may be prescribed by the college: *Provided, however,* That the said college shall not have the right to create professorships, deliver lectures, or confer degrees in medicine or surgery.

Approved February 16, 1838.

CHAP. 890—AN ACT to restore the privileges of the Banks in this Commonwealth, when they shall resume specie payments.

Forfeitures
released on cer-
tain conditions.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, shall be exonerated from any forfeiture of their charters so soon as they shall, respectively, resume the payment of their notes in circulation and their other liabilities in gold or silver; and until the Bank of Kentucky shall resume specie payment, her notes under discount and her bills of exchange shall not exceed six millions of dollars, exclusive of State and city bonds now held by said Bank; and until the Northern Bank of Kentucky shall resume specie payments, her notes under discount and her bills of exchange shall not exceed three millions five hundred thousand dollars, exclusive of State bonds now held by said Bank; and until the Bank of Louisville shall resume

specie payments, her notes under discount and bills of exchange shall not exceed sixteen hundred thousand dollars: *Provided*, That should said Banks, or any of them, not resume specie payments *pari passu* with the Banks in the eastern cities, and those of the surrounding States, or within thirty days after those Banks shall generally resume, the Governor of the Commonwealth shall issue his proclamation stating the fact, and fixing a day for the Banks to resume specie payments, on which day the Banks shall resume specie payments: *Provided*, That nothing in this section shall be so construed as to exempt the several Banks, aforesaid, from all the penalties and liabilities now provided in their respective charters, for the failure to pay specie, if, at any time hereafter, they shall resume the payment of specie under the provisions of this act, they shall, thereafter, when demanded, fail to redeem their notes and pay their liabilities in specie: *And, provided further*, That if said Banks do not resume specie payments on or before the first day of the next session of this Legislature, the same power over said Banks, for refusing to pay specie before and after the passage of this act, shall be the same in the General Assembly of the Commonwealth of Kentucky, as exists under their charters before the passage of this act.

SEC. 2. That the twenty eighth section of the charter of the Bank of Louisville shall be and the same is hereby repealed; and said Bank is hereby authorized to proceed in her business, as though the said section had not been in the charter: *Provided, however*, That if the Bank of Louisville shall avail herself of the benefit of the first section of this act, it shall be on condition that the Commonwealth of Kentucky have the right, at any time, to investigate the affairs of the Bank, by a committee of the Legislature; and at any time, within five years after the passage of this act, to subscribe for five hundred thousand dollars of the two million of capital authorized by the first section of the charter, instead of the five hundred thousand dollars reserved to the Commonwealth by the provision of the nineteenth section; and after the subscription of the five hundred thousand dollars, by the Commonwealth, said Bank shall not be under any obligation to extend the amount of capital stock: *And, provided further*, That if said Bank shall take payment of the said five hundred thousand dollars in State bonds, bearing five per cent. interest, payable semi-annually at the office of the Bank, and not to be sold by the Bank under par, the charter of said Bank shall be extended until the first day of January 1856; and said Bank shall have authority to establish and continue either one or two branches, with a reasonable amount of capital; and if she shall establish one of the Branches within three years, the charter shall be extended four years, and on the establishment of the second branch, the charter shall be extended five additional years; and if said Bank elects to establish either one or two Branches, she

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If Banks do not resume specie payments when other Bk's do, the Governor to fix a day when they shall resume.

Proviso.

Proviso.

Bank of Louisville may proceed to do business.

Proviso.

Proviso.

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may appoint such officers and agents for the management thereof as the President and Directors shall deem proper.

Approved February 16, 1838.

CHAP. 891.—AN ACT to establish a State Road from Spottsville, at Lock and Dam No. 1, on Green River, to Bowlinggreen.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the public will be greatly benefited by the opening of a road from Spotts' falls, on Green river, in the county of Henderson, to the town of Bowlinggreen, in the county of Warren, passing the several Locks and Dams on Green and Barren rivers, and affording facilities of travelling to and from all the public works on said streams; and as there is not a continuous road along the line of said works, and as it is important that there should be, to afford a land communication between them—therefore,

Engineer to
examine and
locate route for
road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the resident Engineer of the Green and Barren river public works shall proceed to view a way between the above mentioned points, and when he shall be satisfied as to the best route for a State road, from and to the points before mentioned, he shall cause the route selected by him to be marked and identified, that there will be no difficulty in finding and pursuing the same; he shall adopt the route of the present roads, whenever he shall find them suitably located between said points: and it shall be the duty of said Engineer to make a report, in writing, to the several County Courts, designating therein fully and explicitly the route and ground over which said proposed road shall pass.

Duty of county
courts upon
receiving report

SEC. 2. That upon the before mentioned report being made to the said County Courts, the route therein designated shall be and the same is hereby established a State road; and it shall be the duty of those County Courts to lay off said road into convenient precincts, and appoint surveyors, and allot a sufficient number of hands to each, to clear out and improve said road within each of their respective counties, directing that said surveyors shall cause said road to be cleared at least thirty feet wide, and the stumps in the same cut low and rounded at the tops, the banks of creeks and branches graded, and to throw bridges across the same where they may be deemed necessary, so as to admit of safe and convenient passage: *Provided,* That a majority of the Justices of the Peace in Butler, Daviess, Henderson and Muhlenburg counties shall concur in opinion that so much of said road as passes through their respective counties shall be of public benefit, then said County Courts shall cause said road to be opened and not otherwise.

SEC. 3. That it shall not be lawful for the County Courts,

of the counties through which the before mentioned road shall pass, to alter or change said road, after the same shall have been cleared out, unless it shall be deemed necessary by a majority of the Justices of the Peace in the county where such alteration shall be proposed; but it shall be their duty, at all times, thereafter, to appoint a sufficient number of hands to keep said road in repair; and the surveyors and hands thereof shall be governed by the same laws and regulations as now are, or may be, in force in this Commonwealth in relation to the working on and improving the public roads.

SEC. 4. That any person, over whose land said road shall pass, shall have the right to obtain from the County Court of the county in which said land lies, a writ of *ad quod damnum* under the provisions of the general law of the State, and the damages assessed under such writ shall be levied by said County Court, as is directed by the provisions of said road law.

Approved February 16, 1838.

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Road not to be changed, unless by a majority of justices.

May issue writ.

CHAP. 892—AN ACT to establish a State Road through Grayson County to Bowlinggreen.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jesse Moorman, of the county of Hardin, John Crutcher, of the county of Mead, Luther G. Talbot, James Bently and Thomas M. Yates, of the county of Grayson, John Honaker, of Butler county, Asa T. Mitchell, of Warren county, be and they are hereby appointed Commissioners, whose duty it shall be, or a majority of them, after having been duly sworn before some Justice of the Peace, to mark out the most practicable route for a road from the mouth of Salt river, passing through Litchfield or by the White Sulphur Springs, (as said Commissioners may elect,) in Grayson county, thence to Bowlinggreen; and said Commissioner shall make a correct return of all their proceedings to the respective County Courts through which the proposed road is to pass, at the County Courts of May or June next, if practicable, if not, as soon thereafter as practicable; and, thereupon, it shall be the duty of said County Courts to proceed thereon, in the manner prescribed by an act, approved January 13th, 1831, establishing a road from Hopkinsville, via Cadiz and other points, to Columbus on the Mississippi river.

Commissioners appointed, and their duties.

SEC. 2. That each Commissioner be allowed the sum of one dollar and fifty cents per day for each day engaged pursuant to the requisites of this act, to be allowed them by their respective County Courts at their next levy court; and if said road shall be opened, it shall be the duty of the several County Courts, through which said road passes, to appoint overseers and allot sufficient hands to keep the same in repair in their respective counties.

Pay allowed to commissioners.

Approved February 16, 1838.

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CHAP. 893—AN ACT to enforce the collection of Tolls at Turnpike gates in this Commonwealth.

Turnpike
companies, &c.
to make reports

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the several turnpike road companies, and other corporations in which the State is a stockholder, to make report to the Auditor, every six months, of the true condition of their respective corporations, and particularly the amount of profits, or dividends, declared, and the amount to which the State is entitled; which report shall be signed by the President, and verified by his oath.

For a failure
to pay, may be
proceeded a-
gainst.

SEC. 2. That in case any of said corporations, or companies, shall fail or refuse, for the space of ninety days after such dividend is declared, to pay over the States' share or dividend so declared, then the Attorney General is authorized to proceed against such delinquent corporation in the General Court, in the same manner, by summary proceeding, that he is now authorized to proceed against delinquent Sheriffs, and other collecting officers, for failing to pay over the State revenue; and the proceeds of all such companies and corporations, when collected, shall be paid over to the Commissioners of the Sinking Fund; and it shall be the duty of the Governor to furnish the Attorney General with a list of all such delinquent companies, or corporations, which shall be his authority for instituting the proceedings required by this act.

Approved February 16, 1838.

CHAP. 894—AN ACT giving the people of Oldham County the right to locate their County Seat by vote.

WHEREAS, it is represented to the General Assembly of the of the Commonwealth of Kentucky, that the citizens of Oldham county labour under great inconvenience from the present location of their seat of Justice—therefore,

When and
where election
to be held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the qualified voters residing in Oldham county, to determine the seat of justice of said county by an election, to be held on the first Monday in May next, at the several places of voting for members of the Legislature in said county, and West Port, La Grange and Brownsborough shall be in nomination, and such other point or place as the County Court of said county shall direct; and if any one of the places shall have a majority of all the qualified voters in said county, such place shall be the permanent seat of justice of said county; and it shall be the duty of the County Court to provide the necessary public buildings at such place, and cause the seat of justice to be removed accordingly. The number of qualified voters in said county shall be determined by the number of votes on the

Duty of coun-
ty court.

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Commissioner's books, taken for the last apportionment of representatives, after striking off all those included in the boundary of Trimble county, and the number of deaths and removals, shall be considered in the count by those who have removed to the county and arrived of age.

Sec. 2. The County Court of Oldham shall, at their March or April term, appoint two judges and a clerk to hold the election, at the several precincts in said county; and the election shall be held but one day, and the Sheriffs shall return the poll books, certified by the clerks and judges, to the County Court of Oldham on the second Monday in May, at which time the County Court of Oldham shall hold a session of said court to receive and count the votes and determine whether any of the places voted for has received a majority of all the votes of the county, as required by the first section of this act. And if any one of the places shall have a majority of all the votes of the county, it shall be the seat of justice; and if no one of the places voted for shall have a majority of all the qualified voters of the county, it shall be the duty of the County Court of Oldham, to direct another election to be held between the two places which received the highest number of voters at the first election, on some convenient day in the month of June, and to appoint judges and clerks to hold the second election, at the several places of voting in the county of Oldham for members of the Legislature, and direct when the poll books, certified by the clerks and judges, shall be returned to the County Court of Oldham, to which day said court shall adjourn; and on the return of the poll books, the said court shall count the votes, and shall then direct an election to be held on some convenient day between the place having the highest number of votes and West Port, or the place which was the third highest in the first election, provided for by this act; and they shall appoint judges and clerks to hold the election as before provided, and appoint a day when the Sheriffs shall return the poll books, certified by the clerks and judges, to which day the County Court shall adjourn; and, on receiving the same, they shall count the votes and ascertain whether either of the places has received a majority of all the votes of the county, to be ascertained by said court as aforesaid; and if either place shall have a majority, such place shall be the seat of justice of Oldham county; but if neither shall have a majority of all the votes of the county, the seat of justice shall remain at West Port.

When & how
votes to be re-
ceived.

Second elec-
tion to be had,
if neither place
shall receive a
majority.

Approved February 16, 1838.

CHAP. 895—AN ACT to incorporate the Kentucky Historical Society.

WHEREAS, the collection and preservation of the antiquities of our country, and of memorials and documents serving to

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illustrate its history and institutions, or to mark the progress of society, arts, and letters, in the United States, have a tendency to enlarge the sphere of human knowledge, aid the advancement of science, to perpetuate the history of moral and political events; and to improve and interest posterity--therefore,

Corporators
names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Rowan, George M. Bibb, Henry Pirtle, George D. Prentice, Reverend James F. Clarke, Reverend Benjamin O. Peers, Simeon S. Goodwin, George Keats, Professors John H. Harney, James Brown and Leonard Bliss, jr., and Humphrey Marshall, sr., Wilkins Tannehill, and Edward Jarvis, M. D., and such others as may associate with them for the purposes aforesaid, be and they are hereby constituted a society, and body politic and corporate, in law, by the name and style of the Kentucky Historical Society; and that they and their successors, and such other persons as shall be legally elected by them, shall be and continue a body politic and corporate by that name forever.

Name and
style, and cor-
porate powers.

May elect
President and
vice presidents.

SEC. 2. That the members of said society, shall have power to elect a President, Vice Presidents, and such other officers as they may determine to be necessary; and said society shall have one common seal, and the same may break, alter and renew at pleasure; and that the said society, by the name aforesaid, as a body politic and corporate, may sue and be sued, plead and be impleaded, in all the courts in this Commonwealth.

May make
by-laws, &c.

SEC. 3. That the said society shall have power to make rules and by-laws for the government of its members, and managing its property, not repugnant to the constitution and laws of this State, and of the United States; and may expel, disfranchise, or suspend, any member, who, by misconduct, shall be rendered unworthy.

May appoint
time and place
for holding
meetings.

SEC. 4. That said society may, from time to time, establish rules for electing officers and members, and, also, to appoint times and places for holding meetings; and shall be capable, in law, to take and hold real or personal estate, by gift, grant, devise, or otherwise, and the same, or any part thereof, to alien and convey; provided that the annual income of any real estate held by said society shall never exceed the sum of fifteen hundred dollars; and that the personal estate, exclusive of books, papers, and articles in the cabinet of said society, shall never exceed the value of ten thousand dollars.

May elect
honorary mem-
bers.

SEC. 5. That said society may elect honorary and corresponding members, residing in and without the limits of this Commonwealth; and that the Honorable Henry Pirtle, of the city of Louisville, be and is hereby authorized and empowered to call the first meeting of said society, at such time and at such place, in the city of Louisville, as he may designate.

SEC. 6. That the library and cabinet of said society shall be kept in the city of Louisville.

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Approved February 16, 1838.

CHAP. 896—AN ACT to incorporate the Kentucky Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be and is hereby incorporated a company, entitled "the Kentucky Bridge Company," who are authorized to construct a bridge across the Kentucky river, at Cleaveland's landing, provided the individual stockholders in the Richmond and Lexington Turnpike Road Company, by vote of a majority of their Board of Internal Improvement of the State, release the State from obligations to said company, and assent to the building of said bridge by the separate company incorporated by this act.

Name and style of company.

SEC. 2. That William Rodes, Waller Bullock, John Brennan and John Brand, of the county of Fayette and city of Lexington; and Edmund L. Shackelford, Thomas C. Howard, William C. Goodloe, and James Walker of the town of Richmond, be and are hereby constituted Commissioners, who are authorized on the first Monday in May next, to open books for subscription of stock in said company, and adjourn from day to day till the stock be subscribed for.

Commissioners appointed.

SEC. 3. That no subscriber shall, in his own name, or in the name of another, hold more than twenty five hundred shares.

Limitation as to stock.

SEC. 4. That the Commissioners above named shall, at an early day as may be, call together the shareholders in said company, who shall elect, by vote, one President and two assistants for said company, to be styled the Directory, in whom shall be vested all the powers of said company; and the said Directory shall have an annual election of their successors, to be made by a written notice to the stockholders of the time and place of holding such election, and by a majority of the legal voters present, and in the case of the death, resignation or other disqualification of any one or two of said Directors, the remaining Director shall have all the power of the original three, till the vacancy shall be supplied at the annual election.

Meeting of stockholders to be called.

SEC. 5. That the stock in said company shall be divided into five hundred shares of one hundred dollars per share.

Stock to be divided.

SEC. 6. That such Directory shall elect their own Treasurer and other officers.

Treasurer.

SEC. 7. That such Directory may proceed to construct said bridge so soon as they have funds enough to complete the same; and shall call on the stockholders for their subscription not exceeding twenty per cent. for every three months.

How stock to be paid in.

SEC. 8. That said bridge shall be made upon the Wernwag plan, with a double track, and covered in, and the piers so placed and built so high as not to obstruct, in the opinion of

Manner of construction.

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the Board of Internal Improvement, the navigation of said river by steam or flat boats.

Tolls.

SEC. 9. That the said company shall erect a toll gate across the said bridge, and receive toll from all passengers at a rate not exceeding fifty per cent. above the present established prices of the ferry at said Cleaveland's landing.

May purchase
the ferry site
for bridge.

SEC. 10. That the Directors of said bridge company shall be empowered to purchase from the ferry owners at said landing, the right of building said bridge; and in the event that the said company and the said ferry owners do not agree, and no sale of the ferry privileges can be effected on terms mutually satisfactory, the right hereby vested in said company to construct said bridge at the place hereinbefore specified, is hereby taken away.

Limitation
for completing.

SEC. 11. That said bridge shall be commenced within five years and completed within ten years from the passage of this act.

Approved February 16, 1838.

CHAP. 897.—AN ACT to authorize the transcribing of certain record books in the Circuit and County Court Clerks offices in Scott County, and for other purposes.

WHEREAS, recently the Clerks offices of the Scott county and Circuit Court have been burnt, together with many of the papers and records thereof, but some of the will books, deed books, order books, papers and records, in the County Court office has been preserved, and some of the order books, execution books, and papers, belonging to the Circuit Court office have also been preserved; but in both offices the books and records, thus preserved, are in such a mutilated and damaged condition as to render their use impracticable, and their own preservation insecure—for remedy whereof,

Duties of the
clerks.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Clerks of the Scott County Court and Circuit Court, as soon as practicable, to transcribe and copy, in well bound books, carefully and accurately, such will books, deed books, order books, execution books, records, and papers, or parts thereof, as shall remain in their respective offices, under the direction of Commissioners hereinafter appointed.

Records, &c
to be taken as
evidence.

SEC. 2. That said books, records, and papers, when so transcribed, shall be taken and received, in all cases, as evidence when the originals would have been such; and that all copies taken from said books, and records, and papers, when so transcribed and legally certified, shall be taken and received in evidence in all cases when legally authenticated copies from the original would have been evidence.

SEC. 3. That in all cases within this Commonwealth, a

copy, or record, or part of a record or paper, remaining amongst the burnt records and papers of said offices, so certified by the Clerk of said court, shall be evidence of the fact of the existence of such record, paper, or part thereof, so copied and certified.

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Copies to be evidence, &c.

Sec. 4. That it shall be lawful for the Clerk of the Scott County Court, when any original deed, with the endorsement thereon of the Clerk that the same has been recorded, shall be presented to be again recorded, to surrender said deed when recorded in the manner now authorized to deliver original deeds; and that when original deeds are presented, as provided in this act, to be again recorded, the claimant, under such deed, shall pay in advance the price for copying said deed, at the rate allowed by the Commissioners for other copying done under this act.

Clerk may again record deeds.

Sec. 5. That it shall be the duty of the Governor of this Commonwealth to furnish to the Clerks of each of the offices aforesaid all the books that other Clerk's offices are entitled to.

Books to be furnished.

Sec. 6. That James F. Robinson, William L. Sutton, and Elijah Hawkins, or any two of them, are hereby appointed Commissioners for the County Court office, and James F. Robinson, Joseph G. Lyle, and M. V. Thomson, or any two of them, are appointed Commissioners for the Circuit Court office, whose duty it shall be to examine said offices, and ascertain what part of said books, records, and papers, whether the whole or part thereof, ought to be transcribed.

Commissioners appointed.

Sec. 7. That the Commissioners aforesaid, shall make to each of said Clerks, for transcribing the records aforesaid, such allowance as they may deem reasonable, provided the same does not exceed one cent for every twenty words so copied; and the compensation, so allowed said Clerks, shall be jointly paid by the Scott County Court and by the Public Treasury; but before any warrant is drawn on the Treasury for any portion of said services, it must appear to the Auditor of Public Accounts that at least the sum of five thousand dollars has been levied by the Scott County Court for that purpose, and upon such information being filed with the Auditor, he is authorized to issue his warrant upon the Treasury for one half of the services actually performed, and certified by said Commissioners, to be paid quarterly: provided, that the sum to be drawn from the Public Treasury for that object shall in no event exceed the sum of five thousand dollars.

Commissioners to make allowance to clerks.

Sec. 8. That in order to enable the Scott County Court to raise the amount necessary for the purpose of compensating said Clerks, said court shall have power to levy a tax not exceeding ten cents on each hundred dollars' worth of property now subject to taxation for revenue purposes in said county, and that said levy may be laid at any term of said court.

County court may levy a tax.

Sec. 9. That if, in the opinion of the Commissioners any of the record books, aforesaid, have been so injured by fire as to render it necessary to bind them, it shall be their duty to

Commissioners may direct books to be bound.

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cause said books to be re-bound; or, if a part of the manuscript has been so injured by fire as to render it unfit to be bound, then such part only shall be copied and re-bound, with that which is entire, unless they shall be of opinion that so much of the manuscript has been rendered unfit for binding as to make it more economical to copy the whole.

Approved February 16, 1838.

CHAP. 898.—AN ACT to establish a system of Common Schools in the State of Kentucky.

Fund provided,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the interest upon eight hundred and fifty thousand dollars, of the fund set apart by the Commissioners of the Sinking Fund, under the provisions of an act, approved February 23, 1837, and all moneys or other property hereinafter provided for, or which may hereafter be appropriated to the use of common schools, shall be, and the same is hereby constituted a common school fund for the State of Kentucky; to the benefits of which, the several counties therein, on the terms and conditions hereinafter provided: *Provided,* That if, at any future time, the fourth instalment of the surplus revenue of the United States shall be paid over to the State of Kentucky, or such portion of it as may be her distributive share, the sum of one hundred and fifty thousand dollars of said fund shall be, and is hereby dedicated and forever set apart to the purposes of education, under the provisions of this act.

Board of education, who to consist of, how appointed, and corporate powers, &c.

SEC. 2. *Be it further enacted,* That the Secretary of State, the Attorney General for the State of Kentucky, and a Superintendent of Public Instruction, to be nominated by the Governor and approved of by the Senate, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Board of Education for the State of Kentucky, who shall have perpetual succession, and by the name and style aforesaid, may hold and possess property of every kind, for the use of common schools, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew, at their pleasure, and generally to do and execute all acts, matters and things, which a corporation, or a body politic in law, may and can lawfully do and execute. The superintendent of public instruction shall be president of the board of education, and all bonds, notes, obligations, transfers, or other instruments of writing, made or executed by the board, shall be signed by him, and when necessary, sealed with the corporate seal of the board, which board shall be subject, nevertheless, to legislative modification, alteration or repeal.

Sec. 3. *Be it further enacted,* That the superintendent of public instruction shall hold his office for two years, and until his successor shall be appointed and qualified; and shall, before entering upon the discharge of his duties, enter into bond with good and sufficient security, to be approved of by, and made payable to the Governor of the State, in the sum of \$25,000, conditioned for the faithful discharge of the duties of his office, and shall take an oath to support the constitution of the United States, the constitution of the State, and an oath of office.

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Superintendent to hold office for two years—to give bond and take oath.

Sec. 4. That branch of his duties which relates to the common schools, shall be, amongst other things, to prepare and submit an annual report to the Legislature, containing a full and comprehensive statement of the amount and condition, together with plans for the improvement and management of the common school fund, and such other matters relating to his office, and to common schools, as he shall deem expedient to communicate; he shall prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and shall cause the same, with such instructions as he shall deem necessary and proper for the better organization and government of the common schools, to be transmitted to the proper officers required to execute the provisions of this act throughout the State.

Duties of Superintendent.

Sec. 5. It shall also be the duty of the superintendent of public instruction, with the aid and advice of the board of education, to apportion the school money, to be annually distributed amongst the several counties of the State, and the share of each county amongst its respective school districts on the terms and conditions hereinafter provided.

Further duties of Superintendent.

Sec. 6. The superintendent of public instruction shall certify each appointment made by him to the Auditor of Public Accounts, and shall give immediate notice thereof to the clerk of the county court of each county interested therein, stating the amount of moneys apportioned to his county, and to each school district therein, and the time when the same will be payable to the commissioners of said county.

To make reports, &c.

Sec. 7. It shall be the duty of the superintendent of public instruction to keep his office in the town of Frankfort, or some town or city within sixty miles thereof, and he shall be paid an annual salary of \$1,000, from the interest on the school fund, to be paid quarterly.

* Where his office to be kept.

Sec. 8. *Be it further enacted,* That the county courts of this State shall, upon the application of the school commissioners, direct the surveyors of their respective counties, with such other competent persons as may be deemed necessary to execute the provisions herein contained, to be elected by a majority of the justices present, to divide their respective counties into a convenient number of school districts, each district to contain not less than thirty, nor more than one hundred children, between the ages of seven and seventeen

Duty of county courts.

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years, and to return a report of the same, with the necessary explanations, to the clerks of their respective county courts, on or before the first day of September following, whose duty it shall be to record the same, and return a certified copy thereof, immediately thereafter, to the superintendent of public instruction: *Provided*, That the commissioners in laying off their respective counties into school districts, may, in their discretion, lay off the towns, and the immediate vicinity of their respective counties, into one or more school districts, so that they shall not have less than thirty, and may have more than one hundred children in each district.

County courts
to take sense of
voters in school
districts upon
levying tax, &c

SEC. 9. *Be it further enacted*, That the county courts, after receiving notice, as herein provided, of the amount of moneys apportioned to their respective counties, by the superintendent of public instruction, are hereby authorized and required to take the sense of the citizens authorized to vote, by this bill, in each of their respective school districts at such time as the county court may appoint, as to the expediency and propriety of adopting the system in such district, and of the propriety of levying a sum upon the taxable estate in such districts, sufficient, when added to the proportion to which said district shall be entitled out of the State fund, to defray the expenses of a common school in said district; and if a majority of all the persons voting in said district shall be in favor of the system, then the provisions of this act, and all others hereafter to be enacted, upon the same subject, shall be in force in such district as may adopt the system in manner aforesaid.

Five com-
missioners of
schools to be
appointed in
each county.

SEC. 10. *Be it further enacted*, That five competent persons, to be styled the commissioners of common schools, shall be appointed in each county, by the board of education, who shall continue in office for twelve months, and until their successors shall, in like manner, be appointed; and it shall be the duty of said commissioners to aid and superintend the dividing of their respective counties into school districts, under the provisions of the 8th section of this act; to give the necessary notice, and superintend the voting in each district, required by the 9th section of this act, and certify and report the result thereof to the board of education, after having recorded the same in a book to be kept by them for the purpose.

Duties of com-
missioners of
schools.

SEC. 11. *Be it further enacted*, That it shall be the duty of said commissioners—1. To apply for, and receive from the superintendent of public instruction, all moneys apportioned for the use of common schools in their county, and from the sheriff of the county, all moneys raised therein, for the same purpose, as soon as such moneys shall become payable, or be collected. 2. To apportion the same among the school districts, according to the number of children between the ages of seven and seventeen years. 3. To make to the Board of Education full and complete reports, between the first day of October, and the first day of December, in each year, containing—1. The whole number of school districts and neighborhoods, separate-

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ly set off, within their county. 2. The districts from which reports have been made to the commissioners, or their predecessors in office, within the time limited for that purpose. 3. The length of time a school shall have been kept in each of such districts, distinguishing what portion of the time the school shall have been kept by qualified teachers. 4. The amount of public moneys received in each of such district. 5. The number of children taught in each, and the number of children over the age of seven years and under seventeen years, residing in each. 6. The whole amount of moneys received by the commissioners, or their predecessors in office during the year ending at the date of their report; distinguishing the amount received from the State fund, from the sheriff of the county, and from any other, and what source. 7. The manner in which such moneys have been expended, and whether any, or what part remains unexpended, and for what cause.

SEC. 12. *Be it further enacted*, That the commissioners of common schools appointed under this act, shall be a body corporate and politic, and by the name of the commissioners of common schools, of the county for which they may be appointed, may sue and be sued, contract and be contracted with, and may hold possession of, and enjoy to them and their successors, property, real and personal, to an amount not exceeding, at any one time, fifty thousand dollars, to be held to the use of the common schools of the county, and for no other purpose whatever.

Commissioners to be a body politic.

SEC. 13. *Be it further enacted*, That when the share of school moneys apportioned to a county, or to any school district in said county, is lost by the neglect of the commissioners, the commissioners guilty of such neglect, shall forfeit to the county the full amount, with interest, of the moneys so lost; and for the payment of such forfeiture shall be jointly and severally liable: and it shall be the duty of the attorney for the county, upon notice of such loss from the superintendent of public instruction, or the clerk of the county court, to prosecute without delay, in the name of the Commonwealth, for such forfeiture, and the moneys recovered, shall be distributed and paid by such county attorney, to the several districts, in the same manner as it would have been the duty of the commissioners to have distributed and paid them, if received from the proper sources.

Commissioners to be liable for amount of money allotted, for neglect of duty, &c.

SEC. 14. *Be it further enacted*, That the commissioners of common schools, in each county, shall, within fifteen days after the termination of their respective offices, render to their successors in office a just and true account, in writing, of all school moneys by them respectively received, before the time of rendering such account, and of the manner in which the same shall have been appropriated and expended by them; and the account so rendered, to be kept and recorded by them, in a book for that purpose; and every commissioner who shall refuse or neglect to render such an account, or who shall re-

Duty of commissioners upon termination of their offices; penalty for failing to perform same.

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fuse or neglect to pay over to his successors in office any balance in his hands, or deliver a statement of the appropriation, if any there be, of such balance, shall, for each offence, forfeit the sum of one hundred dollars, to be recovered and appropriated as provided for in the foregoing sections of this act; and in case of the death of such commissioner, suit may be brought against his representatives, and all moneys recovered shall be applied in the same manner as if they had been paid over without suit.

Persons offering as teachers to be examined; how and by whom.

SEC. 15. *Be it further enacted*, That it shall be the duty of the commissioners of common schools, in conjunction with the trustees of the common schools, to be appointed as hereinafter provided, to examine all persons offering themselves as candidates for teaching in the common schools, for such county; and if they shall be satisfied in respect to the qualifications of the candidate, they shall deliver to the person so examined, a certificate signed by them, in such form as shall be prescribed by the superintendent of public instruction.

Public meetings in districts to be advertised.

SEC. 16. *Be it further enacted*, That it shall be the duty of the commissioners, within twenty days after they are appointed, or as soon thereafter as may be convenient, to give ten days' notice, by advertisement, at at least three public places in the different districts of their respective counties, appointing the time and place for public meetings in such districts.

Trustees to be elected, and clerk and collector to be appointed.

SEC. 17. *Be it further enacted*, Whenever any district meeting shall be called, in the manner prescribed in the 18th section of this act, it shall be the duty of the inhabitants of the district, qualified to vote in the State elections, to assemble together at the time and place mentioned in the notice, who, so assembled in such district meeting, shall have power, by a majority of the votes of those present, to appoint a chairman for the time being; to adjourn from time to time, as occasion may require; to elect five trustees; to appoint a district clerk and collector; and to lay such a tax on the taxable inhabitants of the district, as the meeting shall deem sufficient for school purposes.

Upon what terms districts shall be entitled to school fund.

SEC. 18. *Be it further enacted*, That no school district shall be entitled to any portion of the school moneys derived from the common school fund, until the common school therein shall have been regularly organized, a school house procured at the expense of the inhabitants thereof, and a tax levied upon the inhabitants thereof, when added to the sum to which said school district shall be entitled from the Common School fund, will be equal to the expenses of the school in said district; and in order to ascertain the sum to which each district shall be entitled, the whole number of white children over seven and under seventeen years of age, shall be ascertained by the county commissioners, once in each year, in such mode as they may prescribe, and reported to the superintendent at such times as the Board of Education may prescribe; and the

amount shall be apportioned to each district in each county, according to the number of such children so reported, and paid over to the county commissioners when due.

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SEC. 19. *Be it further enacted*, That it shall be the duty of the trustees of Common Schools: 1. To give notice in writing to the commissioners of common schools, of the organization of the district schools. 2. To purchase, or lease a site for the district school house, as designated by a meeting of the district, and to build, hire or purchase, keep in repair, and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to them, for such purpose, and to have the custody, and safe keeping of the district school house. 3. To contract with, and employ all teachers in the district. 4. To pay the wages of such teachers, when qualified, out of the moneys which shall come into their hands from the commissioners of common schools, so far as such moneys shall be sufficient for that purpose, and to collect the residue of such wages, excepting such sums as may have been collected by the teachers from all persons liable therefor.

Duties of Trustees.

SEC. 20. *Be it further enacted*, That the trustees of each school district shall, after the 1st day of August in every year, and on or before the first day of September thereafter, make and transmit a report in writing, to the commissioners of common schools for such county, dated on the first day of September, in the year in which it shall be transmitted.

Trustees to make report to commissioners.

SEC. 21. *Be it further enacted*, That every such report, signed by a majority of the trustees making it, shall be delivered to the clerk of the board of commissioners, and shall specify—1. The whole time any school has been kept in their district during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such school has been kept by qualified teachers. 2. The amount of moneys received from the commissioners of common schools, during such year, and the manner in which such moneys have been expended. 3. The number of children taught in the district during such year. 4. The number of children residing in the district over the age of seven, and under seventeen years of age.

What to be specified in report.

SEC. 22. *Be it further enacted*, That no teacher shall be deemed a qualified teacher within the meaning of this act, who shall not have received, and shall not hold a certificate of qualification from a commissioner and the trustees of the common school, in the district in which he proposes to teach.

Qualification of teachers.

SEC. 23. *Be it further enacted*, That all property which may be vested in the trustees of any school district, for the use of the schools in the district, shall be held by them as a corporation.

Property to be held by Trustees.

SEC. 24. *Be it further enacted*, That the trustees of each school district shall, on the expiration of their offices, render to their successors in office, a just and true account, in writing, of all moneys received by them for the use of the dis-

Duty of Trustees on expiration of their offices.

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strict, and of the manner in which the same shall have been expended; and any balance of such moneys which shall appear from such account, to remain in the hands of the trustees, or either of them, at the time of rendering the account, shall immediately be paid to some one or more of their successors in office.

Penalty on
Trustees for
failing to ren-
der account.

SEC. 25. *Be it further enacted*, That every trustee who shall refuse, or neglect to render such account, or to pay over any balance so found in his hands, shall, for each offence, forfeit the sum of \$25; and it shall be the duty of his successors in office to prosecute, without delay, in their name of office for the recovery of such forfeiture, before any Justice of the Peace residing in the county; and the moneys recovered by them, shall be applied by them to the use of their district schools.

Balance in
hands trustees,
how recovered.

SEC. 26. *Be it further enacted*, That such successors shall also have the same remedies for the recovery of an unpaid balance in the hands of a former trustee, or his representatives, as are given to the commissioners of common schools against a former commissioner, or his representatives; and the moneys recovered by them shall be applied by them to the use of their district, in the same manner as if they had been paid without suit.

Collector to
give bond

SEC. 27. *Be it further enacted*, That every collector of a school district shall, before receiving any warrant for the collection of moneys, execute a bond to the trustees of his district, when required by them, in their corporate name with one or more sureties, to be approved by one or more of the trustees, in double the amount of taxes to be collected, conditioned for the due and faithful execution of the duties of his office; and if any collector shall not execute such bond within the time allowed him by the trustees for that purpose, which shall not be less than ten days, his office shall be vacated; and the trustees may appoint any other person residing in the district, as collector in his place.

Duties of
collector.

SEC. 28. *Be it further enacted*, That it shall be his duty to collect and pay over to the trustees of his district, or some one of them, all moneys which he shall be required by warrant to collect, within the time limited in such warrant for its return, and to take the receipt of such trustee or trustees for such payment.

Penalty for
neglect of col-
lector.

SEC. 29. *Be it further enacted*, That if by the neglect of the collector, any moneys shall be lost to his district, which might have been collected within the time limited in the warrant delivered to him for collection, he shall forfeit to his district the full amount of the moneys thus lost, and shall account for, and pay over the same to the trustees of his district, in the same manner as if they had been collected.

How forfeit-
ures, &c. to be
recovered and
applied.

SEC. 30. *Be it further enacted*, That for the recovery of all forfeitures, and the balances in the hands of a collector which he shall have neglected to pay over, the trustees of the

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district may sue in their name of office, and shall be entitled to recover the same with interest and costs; and the moneys recovered shall be applied by them in the same manner as if paid without suit.

SEC. 31. *Be it further enacted*, That the collector of each school district shall be allowed five cents on every dollar collected and paid over by him.

SEC. 32. *Be it further enacted*, That it shall be the duty of the clerk of each school district to record the proceedings of his district, in a book provided for that purpose by the district, and to enter therein true copies of all reports made by the trustees of his district to the commissioners of common schools; to give notice of the time and place for special district meetings, when the same shall have been called by the trustees of the district, to each inhabitant of such district liable to pay taxes, at least five days before such meeting shall be held, in the manner prescribed in the 17th section of this act; to affix a notice in writing of the time and place for any adjourned meeting, when the same shall be adjourned for a longer time than one month, in at least four of the most public places of such district, at least ten days before the time appointed for such adjourned meeting; to give notice of every annual district meeting, and to keep and preserve all records, books and papers belonging to his office, and deliver the same to his successors in office, in the manner and subject to the penalties provided by law in relation to the clerk of the county court.

Duty of clerk
of school dis-
tricts.

SEC. 33. *Be it further enacted*, That it shall be the duty of the trustees of each district, to make out a list of every district tax voted by any district meeting; containing the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, set opposite to his name; and to such tax list, a warrant directed to the collector of the district, for the collection of the sums in such list mentioned; to divide the public moneys when received by them, when authorized by a vote of their district into not exceeding four portions for each year; to assign and apply one of such portions to each quarter or term during which a school shall be kept in such district, for the payment of the teachers' wages during such quarter or term.

Taxes voted
by districts to
be listed with
collector.

SEC. 34. *Be it further enacted*, That in making a tax list, the school commissioners shall be governed by the commissioner's books, or the books of the revenue officer taking a list or assessment of the taxable property in such district; and the tax shall be assessed and laid upon the same property, and no other shall be subject to a revenue tax for the time being; nor shall any person be subject to taxation in any school district, of which he is not an inhabitant.

How taxes
are to be le-
vied, and upon
what property.

SEC. 35. *Be it further enacted*, That the trustees, collector and clerk, shall hold their offices until the annual meeting of

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Term of offices, of trustees, collector and clerk, and how vacancies to be filled.

such district next following the time of their appointment, and until others shall be elected in their places; and in case any such office shall be vacated by the death, refusal to serve, removal out of the district, or any other cause, and the vacancy shall not be supplied by a district meeting within one month thereafter, the trustees of the district may appoint any person residing in the district, to fill such vacancy; and any person duly chosen or appointed to such office who, without sufficient cause shall refuse to serve therein, shall forfeit the sum of five dollars; and every person so chosen or appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of ten dollars; which forfeitures shall be recovered and applied after the manner prescribed in the 30th section of this act. But any such officer may resign his office, if upon application made by him to the trustees, the trustees shall, in their discretion, accept his resignation.

Poll tax to be levied and collected.

SEC. 36. *Be it further enacted*, That said trustees shall have power to levy, annually, a poll tax on every white male inhabitant, over twenty-one years of age in each district, not exceeding fifty cents. And the collectors of the several school districts shall have the same power and authority to collect any tax or levy, imposed by the trustees of said district, in obedience to the vote of the inhabitants of said district, and under the provisions of this law, as sheriffs and other collectors of revenue and county levy have, and may proceed in the same manner, and shall, when called to account, be allowed for all delinquents by said trustees upon rendering a list thereof verified by oath.

Females owning property to be entitled to vote.

SEC. 37. *Be it further enacted*, That any widow or female sole, over twenty-one years of age, residing and owning property subject to taxation for school purposes, according to the provisions of this act, in any school district, shall have the right to vote in person or by written proxy; and any infant residing and owning property, subject for taxation for school purposes, according to the provisions of this act, in any school district, shall have the right to vote by his or her guardian.

Lands belonging to corporations to be taxed.

SEC. 38. *Be it further enacted*, That the lands belonging to all banking corporations, which are situated in this State, shall be subject to the same rate of taxation as the lands belonging to individuals; and the said corporations shall have the right of voting by their agent at all elections.

Number of school districts to be reported to Superintendent.

SEC. 39. *Be it further enacted*, That it shall be the duty of the commissioners of common schools in each county, between the first day of October and the first day of December, in each year, to transmit to the superintendent of common schools a report in writing, containing the whole number of school districts in their county, with a condensed statement of the reports from each district.

SEC. 40. *Be it further enacted*, That in case any of the county courts shall fail to have their respective counties divided, then the sum or sums apportioned to such county, shall be

withheld by the superintendent of public instruction, until the system provided in this act shall be adopted by one or more districts, according to the provisions aforesaid; and where the counties shall be divided, as provided for, the proportion of each district shall be retained, by the superintendent of public instruction, until such district is organized, as provided in this act; and the share of one district shall not be transferred to another: *Provided*, that when one or more districts shall have adopted the system, and organized a school, and maintained the same for five years, the amount which the other districts who have not adopted the system may be entitled to, shall be apportioned among the districts to which schools shall have been established, until the said district shall have adopted the system; and as soon as any such district shall adopt the system, then, and in that case, it shall be entitled to its full proportion of the fund of said county.

SEC. 41. That the provisions of this act, so far as it relates to the districting Jefferson, Fayette and Mason counties, shall not apply to the cities of Louisville, Lexington and Maysville; and the cities of Louisville, Lexington and Maysville shall be considered as having adopted the system of public schools, so long as they shall continue to maintain public schools by taxation, and be entitled to all the benefits of this act, on the report of the agent of the public schools of the cities of Louisville, Lexington and Maysville, of the number of children within said cities of the ages prescribed in this act; and that portion of the school fund which the cities of Louisville, Lexington and Maysville shall be entitled to, shall be paid to the mayor and council, for the use of the public schools of said cities.

Approved February 16, 1838.

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Moneys belonging to counties to be withheld until they are districted.

Proviso.

Louisville, Lexington and Maysville, are exempted from the provisions of this act.

CHAP. 899—AN ACT to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby incorporated to construct a road from Hopkinsville, through Oak Grove in Christian county, to the Tennessee State line, in the direction of Clarksville, in Tennessee, by the name and style of the Hopkinsville and Clarksville Turnpike Road Company; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; and have and use a common seal, and alter, amend or renew the same at pleasure.

Name and style and corporate powers.

SEC. 2. That the capital stock of said company shall be seventy five thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

SEC. 3. That John P. Campbell, Daniel S. Hays, Livingston L. Leavell, James Clarke, Samuel Gordon, and David

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Commission-
ers to open
books.

W. Parrish, of the county of Christian, are hereby appointed Commissioners, whose duty it shall be to open books for the subscription of stock, at such places as they shall deem expedient; and the said Commissioners shall have power and authority to appoint one or more agents to open books and receive subscription of stock. In case the said persons shall refuse to act, from any cause whatever, the County Court of Christian shall, from time to time, fill up any vacancy, or appoint some person in the place of such one or more of the Commissioners who shall, or may, fail to act. The said Commissioners shall give notice of the time and place, when and where books are to be opened for the subscription of stock in said company.

When and
how President
and managers
to be elected.

SEC. 4. That so soon as three hundred shares shall have been subscribed, in said capital stock, by individuals and companies, the Commissioners shall give ten 'days' notice, in some newspaper printed in Hopkinsville or Clarkesville, of the fact, and appoint a time and place for a meeting of the stockholders in Hopkinsville, who shall, by vote, elect a President and five managers, to conduct the business of said corporation, by the style aforesaid. The President and managers, and all other officers of said company, shall severally take an oath before some Justice of the Peace, faithfully to discharge the duties of their respective offices. They shall, so soon as may be, proceed to locate said road from Hopkinsville, by way of Oak Grove, to the State line in the direction of Clarkesville, in Tennessee; and may be authorized to receive the written consent of all or any of the land holders, through which or near which the said road may pass, and the grant of the right of way, lumber, stone, and soil, to make said road, and keep the same in repair, which consent, when so given, shall be valid to every intent and purpose.

Their duty.

SEC. 5. That said road shall be opened at least forty feet wide, and shall be graded to an elevation not exceeding two degrees, at least eighteen feet wide at the bottom of said road, where the ground will permit said width and grade.

Tolls, when
graded.

SEC. 6. That when said road shall be opened and graded, for any distance thereof equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and to collect, for the travel on said road, one half of the rates of toll authorized to be collected by the charter of the Louisville and Bardstown Turnpike Road Company, and at the same rate, for any greater distance of said road, as soon as the same shall be opened and graded as aforesaid; and whenever the said road shall be paved with stone, or McAdamized with stone or hard gravel, at least eighteen feet wide, then the same company shall have a right to charge the same toll that said company is entitled to, for so much of said road as may be completed.

Tolls, when
paved.

SEC. 7. That the general provisions of said charter of the Louisville and Bardstown Turnpike road Company, and the

several acts relating thereto, and amendatory thereof, shall apply to the company hereby created, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

SEC. 8. That said company shall be allowed six years after the whole amount of stock shall be taken and subscribed, to complete the said road; and if the same shall not be completed within that time, this charter shall be void, and forfeited for so much of said road only as may not be completed and no more.

Six years allowed to complete road.

Approved February 16, 1838.

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CHAP. 900—AN ACT to define and extend the powers of the Trustees of the town of South Frankfort.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of South Frankfort, as laid off and described in a plat now of record in the Clerk's office of the Franklin County Court, shall be known, and is hereby declared, to be the extent and limits of said town; that, hereafter, the fiscal, prudential and municipal concerns of said town shall be vested in five Trustees; who shall be elected annually, on the first Saturday in March, by the free white male inhabitants over the age of twenty one years, and who have resided in said town six months previous to said election: which said Trustees shall hold their offices for the term of one year, and until their successors shall be elected and qualified. That the said Trustees, before they enter upon the duties of their said office, shall take an oath before some Justice of the Peace, that they will faithfully, and without favor or affection to any one, discharge the duties of Trustees to said town during their continuance in office; that in case a vacancy shall take place in said Board of Trustees, they shall have power to fill such vacancy. That no person shall be a Trustee of said town who is not, at the time of holding the same, a citizen thereof, and who has not resided therein at least twelve months previous to his election.

Limits defined.

Trustees to be elected.

SEC. 2. That said Trustees shall have power to make and receive all necessary conveyances in relation to the lots, streets and alleys in said town. They shall have power over the streets, alleys and side-walks in said town: may direct the improvement of the same, in such manner as they may deem most beneficial to the interest of said town. They shall have power and authority to make all necessary by-laws, for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth. They shall have power to lay and collect a tax upon the property as well as the citizens of said town, so as not to exceed in any one year the sum of five hundred dollars. They shall

Trustees may make and receive conveyances, &c.

May collect a tax.

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May suppress
tipping houses.

have power to tax all groceries, auction sales, shows and exhibitions for money, such sum as they, by their by-laws, may declare. They shall have power to suppress all tipping houses, and to fine all those who may violate their by-laws in relation to said town, any sum not exceeding twenty five dollars for each offence, which may be recovered before the Police Judge of said town. They shall have power to declare what are nuisances within the limits of said town, and may, by their order, direct the same to be abated, or may by their by-laws impose a fine on whomsoever may have caused the same. They shall have power to remove and abate all and every obstruction in any street, alley, or side-walk, in said town of South Frankfort. They shall have power to provide for the security of said town against fire, by organizing one or more fire companies, defining their duties, and punishing, by adequate fines and other penalties, those who shall fail to perform the duties required of them.

May organ-
ize fire compa-
nies.

Name and
style, and cor-
porate powers.

SEC. 3. That said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "the Trustees of the town of South Frankfort," and by that name and style shall be capable, in law, of contracting and being contracted with, of suing and being sued; of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use either a common or private seal; and do all other acts, matters and things which a body politic and corporate, having perpetual succession, can lawfully and rightfully do.

May appoint
treasurer, clerk
and marshal.

SEC. 4. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk and Marshal, and such other officers as they may deem necessary, and take from them, respectively, bond, with security, payable to the Commonwealth of Kentucky, in such penalty as the said Trustees, or a majority of them, shall direct, conditioned for the discharge of their respective duties; and for a violation of duty on the part of either of said officers, motions may be made, or suits brought, before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that motions are now made and suits brought, against Sheriffs, Constables, or other officers, for a failure of duty; and, moreover, the said Trustees, or a majority of them, shall have power and authority to remove either of them for failing to do their duty, and appoint others in their places.

Duty of the
clerk.

SEC. 5. That it shall be the duty of said Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of said Treasurer to render an account to said Trustees of all moneys received and paid out by him, whenever by them required so to do.

SEC. 6. that it shall be the duty of said Trustees to appoint one of their own body Chairman of said Board; and that no

money shall be drawn from the Treasury of said town, except by the order of said Chairman, in pursuance of allowances made by a majority of said Trustees: that a majority of said Trustees shall, at all times, constitute a quorum for the transaction of business.

Sec. 7. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer to be styled the Police Judge of South Frankfort, who shall be commissioned, as such, during good behaviour, who, before he enters upon the duties of his office, shall take an oath to discharge the duties of his said office faithfully and impartially, and to the best of his ability, without favor or affection to any, together with such other oaths, of a general character, as are now required of other public officers. The said Police Judge shall have jurisdiction, within the limits of said town of South Frankfort, of all causes, civil and criminal, in which Justices of the Peace have jurisdiction, except as a court of enquiry in criminal cases, in which he shall have the jurisdiction now given by law to two Justices of the Peace, and shall proceed in the same manner that Justices are required to proceed in criminal cases. He shall have jurisdiction of all offences arising under the by-laws of said town of South Frankfort, and shall have power to enter judgment and award execution accordingly. It shall be the duty of said Police Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as the records of Justices of the Peace in this Commonwealth. He shall have power to issue summons for witnesses to give evidence in causes pending before him, and upon their failing to attend, may award compulsory process to compel their attendance. He shall have power to fine and imprison for contempts: provided, however, that the fine shall not, in any case, exceed ten dollars, nor imprisonment twelve hours. He shall have power to order the Marshal to summon a jury, in any cause cognizable before him, where a jury would be required before a Circuit Court, or a Justice of the Peace. It shall be lawful for said Police Judge to take depositions, and certify the same, where they are to be used in evidence in any cause pending in any court in this Commonwealth. He shall be entitled to the following fees, to-wit: for a peace warrant, or for a rout, riot, unlawful assembly, or breach of the peace, fifty cents; for issuing a warrant for a violation of the by-laws of said town, or in any case where the Trustees thereof are plaintiffs, twenty five cents; for swearing a jury and presiding over the trial in any case, except forcible entry and detainer, fifty cents; for taking a recognizance to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; all other fees of said Police Judge shall be the same as those allowed to Justices of the Peace for similar services, and to be collected in the same manner.

Sec. 8. That upon all judgments rendered, by said Police

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May appoint
a chairman.

Police Judge
to be appointed

To take an
oath.

His jurisdiction
& powers.

His duty.

His fees.

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Judge, either party shall have the right to appeal from said judgment, in the same manner that appeals are now taken from judgments of Justices of the Peace in similar cases.

Marshal's
powers and du-
ties.

SEC. 9. That it shall be the duty of the Marshal to serve all process and precepts, to him directed from the said Police Judge, and make due return thereof; collect all taxes of said town, executions and other demands which may be put into his hands to collect and account for, and pay over the same to whoever shall be legally entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and Constables in the collection of executions, and other demands; and for a failure to discharge any of the duties required of him, he shall be subject to the same proceedings which may be had against Sheriffs and Constables in similar cases. The said Marshal shall be entitled, to the same fees for collecting the town tax, that Sheriffs are entitled to for collecting the county levy: and in all other cases the same fees that are allowed to Constables for similar services: provided, however, that the said Police Judge shall have power and authority to direct his process to be executed by any Constable of the county of Franklin: and, provided further, that the said Marshal shall be invested with all the power and authority which is given to Constables in all cases cognizable before said Police Judge.

How fines,
&c. to be ap-
plied.

SEC. 10. All fines and forfeitures, in cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said town, for the use and benefit of said town, any law to the contrary notwithstanding: and all moneys collected by a judgment of a Justice of the Peace, for a violation of any penal law committed within the limits of said town, shall, in like manner, be paid over to said Treasurer.

Present trust-
ees to serve un-
til others are
elected.

SEC. 11. This act shall be in force from and after the passage thereof: provided, however, that the present Trustees shall continue to serve until their successors shall be elected, and duly qualified according to the provisions of this act, and all acts or parts of acts that come within the purview of this act are hereby repealed.

Repealing
clause.

SEC. 12. That all acts and parts of acts, authorizing the County Court of Franklin county to nominate or appoint a Justice of the Peace in and for the town of South Frankfort, be and the same are hereby repealed.

Approved February 16, 1838.

CHAP. 901—AN ACT to incorporate the Bourbon County Agricultural Society.

WHEREAS, sundry individuals of the counties of Bourbon, Harrison and Clarke, have associated themselves together and formed a society, to be known by the name of the Bourbon County Agricultural Society, for the purpose of promot-

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ing improvements in the various breeds of stock in the country, and in agriculture and domestic manufactures, and have adopted a constitution for the government of the same; and have in pursuance thereof elected James Garrard, President, and William P. Hume and N. L. Lindsay have been chosen Vice Presidents, and ten Directors to manage the concerns of said society; and for the purpose of giving it greater permanency, and to enable it to conduct its business with more regularity, an act of incorporation is deemed necessary—therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said society be and is hereby created a body politic and corporate, with perpetual succession, to be known by the name and style of "the Bourbon County Agricultural Society," and by that name and style may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of purchasing and holding any quantity of land not exceeding twenty acres, and may sell and dispose of the same at pleasure; and may hold and enjoy estate, real and personal, for the exclusive benefit of said society, subject to the limitation aforesaid; and may use the private seal of the President of said society as the seal of said corporation, and in all transactions whatsoever in which the said society may be a party; and may alter and change the same at pleasure.

Name, style
and corporate
powers.

Sec. 2. That the fiscal, prudential and other concerns of said society, shall be under the control and management of a President, two Vice Presidents, and ten directors, (a majority of whom shall constitute a quorum to do business,) to be styled a Board of Directors, who shall be elected annually by the members of said society, at the annual meeting of the same, to be held at the court house in Paris, on the second Saturday in June in each year, or at such other time and place as said society, or its Board of Directors, shall order and determine: said President, Vice Presidents, and Directors, shall hold their offices for one year, and until their successors are duly chosen; they shall have power to fill all vacancies in said Board which may happen during the period for which they shall have been elected; and each individual member of said society shall have the right to vote in person, or by proxy, for the officers aforesaid.

President, &c
to control the
affairs of the
society.

Sec. 3. That said Board of Directors shall have power to appoint a Treasurer, Secretary, and such other officers as shall be necessary, to enable said society, successfully, to manage its concerns, and accomplish the objects of its creation; and may require of said officers bonds, with security, payable to the President and Directors of said society, conditioned for the faithful discharge of the duties of their respective offices; and for any failure or breach of duty on the part of said officers, said bonds may be put in suit, from time to time, in the same manner as the bonds of other defaulting public officers.

How Presi-
dent, &c. elect-
ed, and term of
office.

Treasurer,
&c. to be ap-
pointed, and to
give bond.

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May adopt
by-laws, rules,
&c.

The Board of Directors for said society shall have power to prescribe the duties of the several officers appointed by them, and to dismiss or remove them at pleasure: said Board shall, also, have power to make and adopt all by-laws, rules, and regulations, which may be necessary for the good order and proper government of said society, not incompatible with the constitution and laws of this State, and to alter and abolish the same at pleasure; and they shall have power to make all contracts necessary for said society, and to order when and where, and in what manner, the fairs of said society shall be held and conducted, and the rules that shall govern the award and distribution of premiums of the same, and all other acts appertaining thereto.

May fix a
mount to be
paid by mem-
bers.

SEC. 4. That the society, at their annual meeting, shall have power to fix the sum to be paid by each member as the contribution for the current year; and the Board of Directors shall have power, in the name and on behalf of the society, to enforce the collection of the same, in the same manner that like sums are now collected by law; and shall, also, have power to declare what shall amount to a forfeiture of membership in said society.

Books to be
opened for sub-
scription of the
stock.

SEC. 5. That James Garrard, William P. Hume, and N. L. Lindsay, President, and Vice Presidents elect of said society, or any two of them, shall be and they are hereby authorized and empowered to open books in the town of Paris, at such time or times as they may fix upon, giving three weeks notice thereof in the Western Citizen, published in said town, for the subscription of any amount of stock in said corporation not exceeding three thousand dollars, in shares of twenty five dollars each; to be subscribed for and paid in such manner, and in such instalments, as the Board of Directors for said society shall order and direct, giving reasonable notice in said newspaper, of the various calls that may be made on the same, which shall be received by the Treasurer, and shall be under the control and management of the Board of Directors for said society, whose duty it shall be to appropriate the same for the purchase of any quantity of land not exceeding twenty acres, as provided for in the first section of this act, and shall procure a conveyance to be made of the same to the President and Directors of said society for the time being, and their successors in office, in trust for the use and benefit of those who have subscribed for and paid for stock in said corporation, as provided for in this section; and said land shall be used and occupied by said society, when necessary for that purpose, holding their fair, and for the accomodation of the stock that may be brought for exhibition; but when not so used, may be disposed of in such manner as the Board of Directors, in their discretion, may determine; and all the avails of said property shall enure to the exclusive benefit of those with whose money it was purchased; and all contracts with said society, and all suits brought for or against it, shall be in

May purchase
and hold land;
how, and for
what purpose to
be used.

the name of the President and Directors for the said society; and in any suit against the same, it shall be sufficient to have the President for the time being served with process.

SEC. 6. That all the powers herein granted to the Board of Directors of said society shall be exercised by those now in office, during the period for which they were elected, and until their successors shall be chosen.

SEC. 7. That if from any cause said society should ever be dissolved, the real estate held by it shall revert to the stockholders in said corporation, and the personal estate shall be distributed among the members of said society, in proportion to their respective interests in each fund.

Approved February 16, 1838.

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Officers now in to continue, and how long.

Real estate to revert to the stockholders when corporation is dissolved.

CHAP. 902—AN ACT to amend an act, entitled, an act to amend the Road Law in Campbell County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the road law for Campbell county, as now requires the overseers to call, from time to time, upon the individuals or persons owning property in said county, who shall not be residents thereof, for the payment of road tax, or to work upon the roads, be and the same is hereby repealed.

Provision requiring non-residents to pay tax, repealed.

SEC. 2. That whenever the Sheriff shall return to the County Court of Campbell, a list of persons and property, as delinquent for the non-payment of the road tax, which may be due from or upon the same, it shall and may be lawful for the County Court of Campbell to enter, upon their order book, a mandate, directing and requiring the Sheriff of said county to advertise and expose to sale the delinquent's property, or the property of the delinquent persons, in said list contained and set forth, or so much thereof as shall be sufficient to pay the road tax due thereon, and costs; the same having been first advertised as in cases of property sold under execution.

Duty of Co. Court upon return of delinquent lists.

SEC. 3. That from and after the passage of this act, it shall be the duty of the road Commissioners of Campbell county, so soon as they shall have sufficient funds in their hands unappropriated, to furnish each and every overseer of said roads with a good and sufficient plough and scraper, and such other tools and implements as may be necessary, for which they shall take a receipt at the time; and it shall be the duty of said overseer, at the expiration of his term of service, to deliver said plough and scraper, together with such other tools and implements as he may have received, to his successor, taking a receipt therefor, in the name of the Commissioners as aforesaid, which receipt shall be handed over to said Commissioners, and on presentment of the same, shall entitle such overseer to a withdrawal of his own.

Commissioners to furnish overseers with certain utensils—their duty in relation thereto.

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Overseers
failing to return
delinquent lists
may be fined.

SEC. 4. That if any overseer, or overseers, of the roads in Campbell county, shall fail or refuse to make a return of his delinquent list, at the time and in the manner as is now required by law, he or they shall be liable to a fine of not less than fifteen dollars, nor more than twenty dollars, to be recovered by motion, by any one of said Commissioners, before any Justice of the Peace in and for said county, ten days previous notice thereof being given; which fine shall be applied to the use and improvement of roads in said county.

One dollar
per day allow-
ed for work, by
those owing tax

SEC. 5. That there shall be allowed to each and every person paying a road tax in said county, the sum of one dollar per day, for each and every day he shall actually work upon the road, as required by law, which shall be credited in discharge of the revenue tax for road purposes, which such person may be liable to pay. And it shall be further the duty of each and every overseer, whenever his boundary is prescribed, to diligently seek out, enroll, and faithfully return, all delinquents in his said boundary, whether the same may have been furnished him by the Commissioners or not, in the event they refuse to work out their tax, when called on by the overseer, as now directed by law.

Duty of over-
seers.

Allowance to
clerk for com-
missioners'
books.

SEC. 6. That the sum of seven dollars and fifty cents shall be allowed the Clerk of the Campbell County Court, for making out a copy of the Commissioners book, for the road Commissioners of said county, instead of the amount now allowed by law.

Duty of com-
missioners in
relation to new
roads.

SEC. 7. That whenever the road Commissioners shall have laid out a new road, under the provisions of the road law in Campbell county, and it shall be found by said Commissioners that the tax for road purposes, within the precinct, or precincts, through which such road may pass, is not sufficient to open and put in good repair said new road, it shall be their duty to instruct the overseer, or overseers, living within the precinct or precincts, through which said road shall pass, to call on all persons in their precinct, living within two miles of such new road, who may be liable, at the time, to work on roads, to attend and work two days in addition to what is now required of them by law, unless said road shall be completed in a shorter time; and all persons who shall fail or refuse to attend and work on the road, when called on by the overseer, or overseers, as required by this act, or the act to which this is an amendment, they shall be returned as delinquents by their overseer, and shall be liable to pay one dollar per day for each day the law requires them to work, to be collected in the manner now prescribed by law.

Persons fail-
ing to attend
may be return-
ed as delin-
quents.

May discon-
tinue old roads.

SEC. 8. That the Commissioners shall hereafter have the same power to discontinue old roads that they have to open new ones.

Persons ex-
empted.

SEC. 9. That all ordained ministers of the gospel shall be exempted from paying a poll tax for road purposes in Campbell county.

SEC. 10. That neither the road law or its amendments, in Campbell county, shall be so construed as to exempt any person living in the towns of Newport or Covington from paying a tax for road purposes, on all the lands belonging to them, or for which they may be agent, or agents, lying out of the boundary of said towns of Newport or Covington, and lying in Campbell county.

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Citizens of Newport and Covington to pay tax on land for road purposes.

SEC. 11. That the provisions of all laws contrary to the provisions of this act are hereby repealed, so far as the object of this act extends.

Repealing clause.

SEC. 12. That the law, approved the 17th day of February, 1836, regulating the manner of working roads in Campbell county, and the amendment thereto, which was approved February 1st, 1837, together with the foregoing amendment, is hereby declared to be the law for working roads in Boone county: provided, nevertheless, that a majority of all the qualified voters in said county, subject to taxation for road purposes, shall, at the next general election for members to the General Assembly, vote for the same; and for that purpose the Sheriff of said county shall, at his court house, and at the several precincts, within his said county, cause to be opened columns in his poll books, and take, or cause to be taken, down all the qualified voters as aforesaid, both for and against said law.

Road law in Campbell applied to Boone upon certain conditions.

SEC. 13. That the Sheriff of Boone county shall, at the court house, and at each of the places for holding elections in the several precincts, in said county, at least one month previous to the next August election, affix, at the places aforesaid, a written notice, that the polls will be opened for the purpose of ascertaining whether the qualified voters of said county, or a majority of them, are in favor of or against said road law and its amendments.

Election to be advertised by sheriff.

SEC. 14. That it shall be the duty of the Sheriff of Boone county, to report the result of said election to the County Court of said county, at their September term; and if it shall appear that there is a majority of all the qualified voters, as aforesaid, in favor of said law and amendments, then, and in that case, the said law, together with its amendments, shall take effect and be in force within the county of Boone from and after the 30th day of September 1838; and the County Court shall, at their Court of Claims next ensuing, (a majority of all the Justices of the Peace for said county being present,) proceed to appoint three Commissioners, to serve as road Commissioners for said county until the August election 1839; and until the Commissioners elected under said law are duly qualified.

Sheriff to report result of election to county court—and duty of county court.

Approved February 16, 1838.

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CHAP. 903—AN ACT to incorporate a Steam Mill Company in Hardin County.

Name, style,
capital stock,
and corporate
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and there is hereby established a company, the capital stock of which shall be twenty thousand dollars, divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies, and corporations, which subscribers and shareholders, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of "the West Point Steam Mill Company," and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, to defend and be defended, to answer and be answered, in all courts and places, in all matters as natural persons; and may have and use a common or private seal, and change, alter and renew the same at pleasure.

Powers concern-
ing the erec-
tion of mills,
machinery, &c

SEC. 2. That said company shall have power and authority to erect and put into operation, in or near the town of West Point, in the county of Hardin, a steam mill, with all necessary machinery for grinding, manufacturing flour and meal, and sawing plank and lumber: and more effectually to enable said company to perform said business, they shall be capable of acquiring, holding and using land, not exceeding, at any one time, four thousand acres, and such personal property as may be necessary and convenient to their business; and said lands and other property may sell and dispose of at pleasure.

Concerns of
the company to
be under con-
trol of a Presi-
dent and three
managers—
When and
how elected.

SEC. 3. That the fiscal and prudential concerns of said company, and the management of its business, shall be under the direction and control of a President and three managers, who shall be elected by the shareholders, from amongst themselves, on the first Monday in May in every year, unless some other day be designated by the by-laws of said company, and who shall hold their offices for one year, and until their successors are duly elected—a failure to have an election on the day designated shall not dissolve the corporation, but the election shall be had on some other day appointed by the President and managers, or by the shareholders in general meeting: in all elections and meetings by the shareholders under this charter, every shareholder shall be entitled to one vote, for each share he holds, to be exercised either in person, or by proxy, and all questions shall be determined by the majority of votes.

May appoint
and employ of-
ficers, &c.

SEC. 4. That the President and managers shall have power to appoint and employ such officers, agents, and workmen, as may be necessary to transact and carry on the business of said corporation; fix their salaries and wages, and may require of them bond and security for the faithful discharge of their duties; they may ordain and put into execution such rules and regulations for the prudent and efficient management of its affairs as may be thought proper, provided they be not contrary to the constitution and laws of this State, nor the con-

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stitution of the United States; they shall, also, have power to call a general meeting of the stockholders whenever to them it shall appear necessary, giving notice of the time and place thereof, in such manner as may be regulated by the by-laws of said corporation.

Sec. 5. That the shares in said company shall be considered personal estate, and be transferrable on the books of said company, in such manner and under such regulations as the President and managers may prescribe.

Stock consid-
ered personal
estate.

Sec. 6. That Charlton Shean, Samuel S. Lansdale, James Young, William H. Hays, and Abraham Ditto, are hereby constituted Commissioners to open books and raise subscriptions for the capital stock of said company, and to superintend the first election of President and managers; any three of them shall be competent to perform the duties hereby enjoined; said Commissioners shall open said books for the subscription of stock, at some time to be fixed by them, on or before the first Monday in May 1839; and shall keep them open until the first Monday in June thereafter, unless the capital stock shall be sooner subscribed.

Commission-
ers to open
books.

Sec. 7. That so soon as one fifth of the stock of said company shall be taken, said Commissioners shall appoint a day and place for holding the first elections for President and managers, and give notice thereof in some public newspaper published in Elizabethtown or Louisville, or both places, for at least fifteen days; they shall superintend said election, declare who have been duly elected, and give certificates thereof; and upon such election, said company shall become incorporated, and competent to exercise all the powers and capacities given by this act; and the President and managers, when elected, may, from time to time, open the books and receive subscriptions of stock until the whole is taken.

Election of
President, &c.
had—when and
where and how.

Sec. 8. That payment shall be made of said shares, at such times and in such amounts as the President and managers may prescribe, they giving twenty days notice of the time and amount of calls; and should any shareholder fail or refuse, for the space of thirty days, to pay any call so becoming due, the President and managers may either sue for the same or forfeit the share.

How pay-
ment of stock
to be made.

Approved February 16, 1838.

CHAP. 904—AN ACT to authorize the Trustees of the town of Taylorsville to sell and convey a part of Water Street.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Taylorsville be and they are hereby authorized to close up all that part of Water street, in said town, which fronts lots Nos. 32, 33, 34, 35, and to sell the same either at public or private sale.

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SEC. 2. That the said Trustees shall, upon the payment of the purchase money, convey said ground to the purchaser, or purchasers, thereof, and the money arising from such sale shall be applied, by said Trustees, towards the public improvement of said town.

Approved February 16, 1838.

CHAP. 905—AN ACT to authorize the County Court of Montgomery County to subscribe stock in the Maysville and Mountsterling Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Montgomery county shall have power, by an advalorem tax upon property now taxable, or by increasing the county levy, according to the present mode of making said levy, or by both, to raise such sum or sums of money, from time to time, as the said court shall, in its discretion, deem necessary, for the purpose of making a subscription for stock in the Maysville and Mountsterling turnpike road: provided, however, that the sum or sums, so raised, shall not exceed five thousand dollars.

SEC. 2. That the power above given shall only be exercised by the same number of Justices that is required, by law, to lay a county levy, when said levy is laid for other purposes.

SEC. 3. That all sums levied, by virtue of this act, shall be collected and accounted for by the same officer who collects and accounts for the county levy and revenue tax of Montgomery county, for the time being, with like authority and responsibilities which appertain to said officer in the collection of said county levy or revenue tax.

SEC. 4. That said court shall not levy said tax, for the purposes abovementioned, until it shall be ascertained, by petition or by popular vote, that a majority of the qualified voters of said county is in favor of said subscription of stock.

Approved February 16, 1838.

CHAP. 906—AN ACT for the benefit of the Madison Troop of Cavalry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, hereafter, be lawful for any number of men to join the Madison Troop of Cavalry from the seventh, nineteenth, and thirty fifth Regiments, so as not to exceed the number of sixty four, and not to exceed thirty men from any one Regiment; provided no militia company shall be reduced below the number of sixty four rank and file.

Approved February 16, 1838.

CHAP. 307.—AN ACT to amend the several acts concerning the Hartford Bridge Company.

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WHEREAS, it is represented to the Legislature of Kentucky, that the capital stock subscribed and appropriated, by and under the several acts incorporating the Hartford Bridge Company, has proved insufficient to complete the erection of said bridge, and that public and private interest will be sacrificed by an abandonment of said work in its advanced stage—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the capital stock of said company be and the same is hereby increased the sum of two thousand seven hundred dollars, to be subscribed, one half by individuals and one half by the State; and the President and managers of said bridge company may open books and receive the further subscription, as above provided for, on the part of individuals, of stock to the amount of one hundred and thirty five shares, of ten dollars each; and when said amount of stock is thus subscribed, on the part of individuals, and the same duly certified to the Board of Internal Improvement, it shall be the duty of said Board to subscribe a like amount of stock on the part of this State: provided, however, that said Board shall not make said subscription, on the part of the State, until it shall be satisfied that said work is of sufficient public utility and importance to justify said expenditure, and that the same will, when completed, yield a reasonable dividend.

Capital stock increased, and how to be raised.

SEC. 2. That should said subscription be made by the Board of Internal Improvement, on the part of the State, then it shall be the duty of said Board, whenever it shall be duly certified by the President and managers of said company that any payments have been made by the private stockholders in said company, on their stock, to pay, on the part of the State, out of the Internal Improvement Fund, a like amount; and shall make to said company payments of equal amounts with those made by individuals, until said stock is fully paid up.

Duty of the Board Internal Improvement.

SEC. 3. That the Board of Internal Improvement shall have the same supervision and control over the erection of said bridge that they have over other works of internal improvement in this State.

Approved February 16, 1838.

CHAP. 308.—AN ACT amending the road law in Bracken County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Bracken shall, hereafter, previous to the first Monday in June of each year, appoint a road Commissioner in each election precinct; but in case of failure, in any one or more of the precincts, the

Duty of the county court.

1838. Commissioner or Commissioners of the other-precincts shall do the duty of Commissioners for the county.

Duty of the
Road Commis-
sioners.

SEC. 2. That the road Commissioners shall, on or before the first Monday in August in each year, appoint suitable persons as overseers of roads, furnishing each with a plain description of the road or roads of which he is made overseer, together with the names of the persons intended to perform labor on said road or roads, with the amount of tax to be worked out by each.

Commission-
ers to superin-
tend working of
roads, &c.

SEC. 3. That it shall be the privilege of each road Commissioners to superintend the working of roads, or to give instructions to overseers in relation to the manner of repairing or working the same, or any part thereof, provided that no Commissioner shall exercise such privilege without his own precinct, unless he has the approbation of the resident Commissioner.

Overseers to
serve one year.

SEC. 4. That any person appointed by Commissioner, as overseer, shall perform the duties of said office for at least one year; and any person who refuses to perform the duties of overseer, and not accept his list when tendered by the Commissioner, shall be liable to a fine of eight dollars, recoverable by the Commissioner, by action, before a Justice of the Peace.

Overseers to
take an oath—
form thereof.

SEC. 5. That the overseer, upon his appointment and before he proceeds to the discharge of the duties of his office, shall take the following oath, to be administered by the commissioner, viz: "you do solemnly swear (or affirm,) that you will faithfully discharge the duties of the office according to law, and the best of your abilities;" and he shall as often as in his judgment is necessary, or when requested by the Commissioner, warn his hands to work on the road; and he shall, in all cases, give opportunity, of at least three days, for persons to work out the amount of tax due from them; and said overseers shall, on or before the first Monday of June of each year, return a list of delinquents to the Commissioner of his precinct, or to the Clerk of the County Court, and in connection with the same, a list of all persons within the range of his list of hands who may have been omitted by the Commissioner, or in any way become liable to perform labor on roads; and an overseer shall be authorized to consider eight hours labor, and no less, a day's work upon a road.

To warn the
hands to work
roads, return
delinquents, &c

Overseers may
employ teams,
&c.

SEC. 6. That when necessary, overseers may employ teams on roads; and, in so doing, he shall not allow more than two dollars per day for a team, ploughman and plough; and for a wagon, team and driver, three dollars; and any person whose duty it is to perform labor on a road shall, when required by his overseer, furnish such team and utensil as the overseer may require, provided he owns the same; and for refusing or failing to do so, shall forfeit a sum not exceeding five dollars, for every such offence, recoverable by a Commissioner, upon

information of the overseer, by action, before a Justice of the Peace.

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SEC. 7. That any overseer who shall, under the provisions of this act, perform service to an amount exceeding his road tax, shall be allowed for such service seventy five cents per day, payable by the Commissioner, or Commissioners, out of any unappropriated funds which may be in his or their hands, said overseer making oath to the correctness of his account, which oath may be administered by a Commissioner.

Overseers allowed for all work done, over and above road tax.

SEC. 8. That where bridges or causeways are necessary, the overseers may cut and take from the lands of any person adjoining, such and so much timber, earth, and stone, for making and keeping in repair the same, (the same being first viewed and valued by two housekeepers, appointed and sworn for that purpose,) and the overseer shall furnish the owner thereof with a certificate of such valuation, and the amount shall be allowed him by the County Court.

Bridges and causeways to be erected, and how.

SEC. 9. That no corporate town in Bracken county shall be exempt from the operation of the road laws of said county.

Towns not exempted.

SEC. 10. That the provisions of an act, entitled, an act regulating the public roads and highways in Bracken county, approved February 25, 1835, and, also, the provisions of an act, entitled, an act to revive and amend an act, entitled, an act regulating the public roads and highways in Bracken county, approved January 9th, 1836, coming in conflict with the provisions of the foregoing sections, shall be and the same are hereby repealed.

Repealing clause.

SEC. 11. That the County Court of Wayne may have power to authorize a road or roads to be opened to the coal banks, near Monticello, in said county.

County court of Wayne.

Approved February 16, 1838.

CHAP. 909—AN ACT to amend the Charter of the Covington Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the first section of said act, as provides that two hundred and fifty thousand dollars of the capital stock of said company shall be divided into five hundred shares of fifty dollars each, be and the same is hereby repealed; and the said capital stock of two hundred and fifty thousand dollars shall, instead thereof, be divided into five thousand shares of fifty dollars each.

Part of former act repealed.

SEC. 2. That so much of the tenth section of said act, as provides that the Secretary, assistant, and other officers and agents, shall be stockholders of the said company, be and the same is hereby repealed.

Part of 10th sec. former act repealed.

SEC. 3. That should any stockholder, in said company, fail or refuse to execute any note or notes, with satisfactory security, when required by the President and Directors, for the

Individuals stock may be sold upon certain conditions.

1838.

amount due or owing on his or their stock, or fail or refuse to pay any call or calls on said stock, when made and due, it shall be the duty of said President and Directors, and they are hereby authorized, to advertise the stock of such delinquent stockholder, for sale, in one or more newspapers printed in this State, for the space of thirty days, and sell the stock of such delinquent to the highest bidder for cash, for that part of said stock which has been paid in cash, and for note or notes, with good security, for that part which has not been paid in cash; and on payment of the cash, by the purchaser, and the execution of the note or notes, with good security, for the residue due on the stock of such delinquent stockholders, it shall be the duty of the President, or Secretary, of said company, to issue, to the purchaser, a certificate, or certificates, of stock, in place of those held by said delinquent; and on the surrender of the former certificate of stock, the President and Directors shall pay over to the delinquent, aforesaid, the money for which his or their stock sold, first deducting the costs and expenses of such sale, and advertising the same.

Number of
stockholders
may be increas-
ed.

SEC. 4. That the number of Directors of said company may be increased, from time to time, to any number not exceeding eleven, whenever the stockholders shall so desire and determine, by a majority of their votes given at some regular called meeting.

How stock
held by widows
and infants to
be voted on.

SEC. 5. That the stock held in said company by any widow, or infant, may be voted on, at all elections, in person, or by proxy; and whenever an infant stockholder shall be under the age of fourteen years, the legal guardians of such infant stockholder shall have the right to vote upon and represent the stock thus held.

Approved February 16, 1838.

CHAP. 910—AN ACT to incorporate the Logan, Todd and Christian Turnpike Road Company, and for other purposes.

Name, style,
and corporate
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be and is hereby incorporated, as a body politic and corporate, by the style and name of the "Logan, Todd and Christian Turnpike Road Company," for the purpose of constructing a turnpike road from Russellville, through Elkton, to Hopkinsville, thence to Princeton, thence to Eddyville, on the Cumberland river; which company shall have perpetual existence, and by that style shall sue and be sued, plead and be impleaded, in any court in this Commonwealth.

SEC. 2. That the capital stock of said company shall be three hundred thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. That H. R. Whitaker, Richard Bibb, and William

1838.

Commissioners to open the books.

Owens, of Logan, John A. Bailey, Francis M. Bristow, and John Graham, of Todd, J. P. Campbell, J. H. Phelps, J. B. Crockett, A. Stites, B. Shackelford, J. H. Evans, and W. C. Gray, of Christian, J. C. Weller, and C. Lyon; of Caldwell, James J. Morison, James McCallister, Edm. Bacon, and Jos. Waddle, of Trigg, shall be appointed Commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they shall deem most convenient; and the said Commissioners shall have power to appoint one or more agents to open books and receive subscription of stock; in case the said person shall fail or refuse to act, from any cause whatever, the County Court, for the county where such person shall reside, shall, from time to time, fill up any vacancy, or appoint some person to fill up any vacancy, that may occur; the said Commissioners shall give notice of the time and places when and where books are to be opened for the subscription of stock in said company.

Sec. 4. That so soon as the sum of twenty thousand dollars, in shares of fifty dollars each, shall have been subscribed in said capital stock, by individuals and companies, the Commissioners shall give ten days' notice, in some newspaper printed in Russellville or Hopkinsville, of the fact, and appoint a time and place for the meeting of the stockholders, in Hopkinsville, who shall elect a President and five managers to conduct the business of said corporation, by the style aforesaid. The President, managers, and all other officers, of said company, shall severally take an oath before some Justice of the Peace, faithfully to discharge the duties of their respective offices. They shall, as soon as may be, proceed to locate said road, from Russellville to Eddyville, on the Cumberland river, and may be authorized to receive the written consent of all or any land holders, through which, or near which, said road may pass, and the grant of the right of way, timber, stone, and soil, to make said road, and keep the same in repair; which consent, when so given, shall be valid to every intent and purpose.

When and where meeting to be held to elect President and managers.

Officers to take an oath.

Sec. 5. That said road shall be opened at least sixty feet wide, and the same shall be graded to an elevation not exceeding two degrees, at least twenty feet wide at the bottom, where the nature of the ground will admit said width and grade.

Manner of constructing the road.

Sec. 6. That when said road shall be so opened and graded, for any distance thereof equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and collect, for the travel on said road, one half of the rates of tolls authorized to be collected by the charters of the Bardstown and Louisville Turnpike Road Company, and at the same rates for any greater distance of said road, so soon as the same shall be opened and graded as aforesaid; and whenever said road shall be paved with stone, or McAdamsized with stone or hard gravel, at least twelve feet wide, then the said

Tolls allowed.

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Charter of
Bardstown and
Louisville turn-
pike made ap-
plicable.

Board Inter-
nal Improve-
ment to sub-
scribe stock.

Meeting of
stockholders in
Green River
Railroad to be
called, and for
what purpose.

company shall have the right to charge the same tolls that said turnpike company is entitled to for so much of said road as may be completed.

SEC. 7. That the general provisions of said charter of the Bardstown and Louisville Turnpike Road Company, and the several acts and amendments thereto, shall apply to the company hereby incorporated, and are made part of this charter, except so much thereof as may be inconsistent with the provisions of this act.

SEC. 8. That when the President of this company shall inform the Board of Internal Improvement that fifty thousand dollars have been subscribed to this road, then the said President shall have full power and authority to subscribe, on the part of the State, two dollars for every one which may be subscribed on the part of individuals, or bodies corporate.

SEC. 9. That it shall be the duty of the President and Directors of the Green river and Ohio Railroad Company, to call a meeting of the stockholders in said Railroad company, by giving public notice, at least twenty days, of the time and place of said meeting, in the papers printed in Hopkinsville and Russellville, and take into consideration the propriety of the State's transferring her stock in said Railroad Company to the Logan, Todd and Christian Turnpike Road Company. Then, if a majority shall so agree, each share being entitled to one vote, and that fact being duly certified to the Board of Internal Improvement, the President of said Board shall have power to subscribe, according to the 8th section of this act, until the whole amount authorized to be subscribed to said Railroad, or which has been subscribed, shall be invested in the Logan, Todd and Christian Turnpike Road Company.

SEC. 10. That if said transfer shall be made, according to the provisions of this act, then the subscription to said Railroad Company shall not be appropriated to any other object than to the construction of the road proposed by this charter, and said subscriptions shall be made at any time, any act to the contrary notwithstanding.

Approved February 16, 1838.

CHAP. 911—AN ACT concerning Clay Seminary, in Bourbon County.

WHEREAS, it is represented to the present General Assembly, that the former Trustees of Clay Seminary, in Bourbon county, have resigned, and ceased to exercise the powers vested in them by an act, entitled, an act to incorporate the Clay and Jefferson Seminaries, approved January 30th, 1828; therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William T. Buckner, Ephraim Herriatt, Jonathan Colcord, Thomas Stone, Elijah Wigginton, Robert S. King, and Hudson Massie, be and they are*

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hereby appointed Trustees of said Clay Seminary; and that they be and are hereby vested with all the powers conferred on the Trustees of said Clay Seminary, in the second, third, fourth, fifth and sixth sections of the above recited act, entitled, an act to incorporate the Clay and Jefferson Seminaries; and the duties imposed on the Trustees of said Seminary shall be the same as provided in the aforesaid sections.

SEC. 2. That the Legislature reserves the right to alter or amend this act.

Approved February 16, 1836.

CHAP. 912—AN ACT to amend the charter of the Paris Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Paris Railroad Company shall have power to intersect, at the town of Paris, the Railroad which, by an act of the present General Assembly, has been authorized to be constructed from Falmouth to Lexington: and if the Falmouth and Lexington Railroad Company shall not commence said road within two years, the said Paris Railroad Company shall have power to continue their Railroad from Paris to Lexington; and in the event the said Paris Railroad Company shall continue their Railroad from Paris to Lexington, as hereby authorized, the said Falmouth and Lexington Railroad Company shall have power to intersect the said Paris Railroad at any convenient point.

Approved February 16, 1836.

CHAP. 913—AN ACT to amend an act, entitled, an act for the benefit of the widow and heirs of James P. Taylor, deceased, approved February 3d, 1837.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Louisville Chancery Court, in proceeding under the above recited act, is hereby authorized and empowered, if to him it shall appear most beneficial to the widow and heirs of the said James P. Taylor, deceased, to order the proceeds of the tract of land, by said act authorized to be sold, to be loaned out at interest, upon mortgage of real estate, and shall have full power to make all necessary orders and decrees, to secure to the widow of said decedent, her just interest in the fund produced by said sale, and to preserve the same for his infant children.

Approved February 16, 1836.

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CHAP. 914—AN ACT to provide for the condemnation of certain ground for the use of the Commonwealth.

WHEREAS, Joseph Barbour & Co., contractors for the constructing of Lock and Dam No. 1 on the Kentucky river, have erected a steam saw mill and other fixtures near the site of said Lock and Dam, on land essential to the State: and, whereas, said fixtures present difficulties in the condemnation of said land, as they will be utterly useless to the State, and said contractors are willing to remove these difficulties in the manner hereinafter expressed—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the jury hereafter to be empannelled, for the condemnation of said land, in addition to the duties now enjoined on them by law, shall find distinctly and apart from the value of said land, so to be condemned, the value of said mill and fixtures, and return said valuation as a part of their verdict.

SEC. 2. That whenever said contractors shall present to the Board of Internal Improvement an official copy of the proceedings and verdict of said jury, duly certified by the Clerk of the court to which the same is made returnable by law, it shall be the duty of said Board to advance to said contractors one half the value of said fixtures, assessed by the jury as aforesaid; and it shall be the further duty of said Board to retain twenty per cent out of all estimates, thereafter to be made in favor of said contractors, until the State is fully reimbursed the amount of said advance, at which time all of said fixtures shall revert to and become the property of said contractors, to be removed by them within six months after the completion of their said contract, provided that the amount so advanced shall, in no event, exceed the sum of three thousand dollars.

Approved February 16, 1838.

CHAP. 915—AN ACT for the benefit of George W. March and wife, and Robert Middleton and wife.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for George W. March and wife, and Robert Middleton and wife, to file their petition in chancery, in the Jessamine Circuit Court, praying said court to decree a specific execution of a contract for the sale of certain real estate sold by them to Andrew McClure, which estate belonged to the femes in fee before their marriage; and if it shall appear to the satisfaction of said court, that the sale, so made, was for a fair price, and for the full value of the land, said court shall have full power and authority to decree a specific execution of said contracts, and a conveyance of the legal title, as fully as if said femes covert were of full age.

SEC. 2. That if it shall appear to said court that said real estate was not sold for a fair price, and its full value, then said court may refuse to execute the contract aforesaid; and if it will be for the benefit of said femes that a sale should be made of the land, it may order and decree a sale of the same, upon such terms and credits as may be deemed just and proper, and may make all necessary orders and decrees for the purpose of carrying said sale into effect.

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Approved February 16, 1838.

CHAP. 916—AN ACT to alter the boundary of the town of Munfordsville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the corporation and bounds of the town of Munfordsville, in Hart county, be and the same is hereby enlarged and extended, as follows, viz: beginning on the south west corner of lot No. 7; thence south 30 west to the south east corner of lot No. 2; thence south 60 east, 27 poles, to a stake at the base of the river hill; thence to include the spring south 47 west, 30 poles, to a stake standing eight feet north of a beech tree; thence south 60 east, 10 poles, to a stake on the south bank of the branch of said spring; thence north 47 east, 30 poles, to a stake; thence south 60 east, 30½ poles, to a beech on the bank of Green river; thence up the same north 35° 30' east — poles, north 43 east, 6 poles and 10 feet, to a beech tree on the bank of the river, and corner of a nine acre lot; thence north 60 west meeting the line of Main street to the beginning.

SEC. 2. That the resident persons and property included in the town of Munfordsville, by the first section of this act, shall be subject and liable to all the laws and by-laws of said town, and entitled to all the privileges as though the same had been included in the original boundary of said town.

SEC. 3. That it shall be optionary with the Trustees of said town whether or not they will keep open the streets and alleys, after such extension of the town limits in the portions of said town as extended; and in no case where there are objections on the part of the owners of adjacent property shall be kept open, unless it be deemed by the Trustees of said town, of great public convenience.

SEC. 4. That the following boundary shall not hereafter be included in the boundary or limits of said town, to-wit: beginning on the south east corner of lot No. 2; thence with the south west line of West street north 60 west, 130 poles, to the north east corner of lot No. 81; thence with the north west line of the same south 30 west, 18 poles, to the north west corner of said town; thence with the south west line of same, south 60 east, 130 poles, to a stake, corner to said town and corner to lot No. 1; thence west 30 east to the beginning.

Approved February 16, 1838.

LAWS OF KENTUCKY.

1838.

CHAP. 917—AN ACT for the relief of Robert Lytle.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that, by the proceedings had in the Circuit Court of Lincoln county, Robert Lytle, of said county, was found to be a person of unsound mind: and, whereas, doubts are entertained of the correctness and justice of the decision—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Circuit Court of Madison county shall, at the next or any succeeding term of said court, make such enquiry, and cause such process to be issued, as shall bring the said Lytle before him; where the said Lytle shall be entitled to a trial by a jury empanelled, and in every respect as if the said Lytle had never been adjudged by any court to be a person of unsound mind; and the said court is hereby fully authorized and empowered to release the said Lytle from all disability in consequence of the proceedings of the Circuit Court of Lincoln, as aforesaid, or to place his estate in the control and management of the same, or such other committee as to the said Circuit Court of Madison county shall seem lawful and just, in every respect as if no judicial proceedings had heretofore been instituted against him.

Approved February 16, 1838.

CHAP. 918—AN ACT to authorize the County Court of Pendleton County to raise the stock subscribed by said Court in the Falmouth Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Pendleton county shall have power, by an ad valorem tax upon property now taxable by law, to raise such sum or sums of money as shall be deemed necessary, by said County Court, to pay for the subscription of stock subscribed by said court in the Falmouth Bridge Company.

Approved February 16, 1838.

CHAP. 919—AN ACT for the benefit of William H. Stephens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Frances B. Stephens and William S. Hickman and Alexander H. Renick, the Trustees of the said Frances B. Stephens, together with the guardian of William Henry Stephens, (an infant,) to file their petition in the Anderson Circuit Court, praying that they may be authorized to sell a negro woman slave named Betsey, and her child Mary, for the purpose of educating and supporting the said infant, William Henry Stephens;

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and if, upon the filing of the said petition, it shall appear to the satisfaction of the court that it will be for the benefit of the said William Henry Stephens, that then, and in that case, the said Circuit Court shall order and decree a sale of the said slaves, upon such terms or credits as the court may think best; and shall appoint a Commissioner to carry said decree into effect; and, upon the coming in of the Commissioner's report, the court shall direct the amount of the sale money to be paid over to the guardian of the said William H. Stephens, for the purpose of the support, maintenance and education of the said William H. Stephens: provided, however, that before the money, so raised, shall be paid over to the said guardian, he shall be required to execute a bond in the Circuit Court aforesaid, in the penalty of one thousand dollars, conditioned for the faithful discharge of the duty required of him by such decree: and, provided further, that before any decree shall be rendered, the consent of the said Frances B. Stephens shall be obtained, that the money arising from said sale shall be so applied towards the support, maintenance and education of her said son, William Henry Stephens.

Approved February 16, 1838.

CHAP. 390—AN ACT to incorporate the town of West Point, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the free white male inhabitants of the town of West Point, in the county of Hardin, and the free white males who own real estate in said place, and reside in this Commonwealth, shall, on the first Monday in May 1838, and on the same day in each year thereafter, meet at some convenient place in said town, and proceed to elect five Trustees for said place, who shall be residents and owners of real estate in said town, and shall hold their office for the term of one year next after their election, and until their successors are duly appointed; and the said first election shall be conducted under the direction of David Burcham, jr., or some other Justice of the Peace of said county, who shall act as judge therein; and the said Trustees, and their successors, shall, before they enter upon the duties of their office, take an oath, before some Justice of the Peace of said county, to truly and faithfully discharge the duties enjoined on them as Trustees; and all elections for Trustees for said town, after the first, shall be conducted under the direction of the Clerk to the last Board of Trustees: and if the aforesaid qualified voters shall fail, at any time hereafter, to have an election of Trustees for said town, on the day named in this act, the Clerk, or any Trustee, may, by giving ten days' previous notice, have an election held for Trustees, which shall be legal to all intents and purposes.

Trustees to be elected, and term of service, &c.

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Corporate
powers.May pass by-
laws.May purchase
and hold town
lots, &c.May levy a
tax.May sink
wells, and open
streets, &c.Tax shows,
&c.May pass by-
laws to prevent
racing, &c.Chairman to
be appointed—
his powers and
duties.How taxes to
be collected,
and applied.

SEC. 2. That said Trustees, and their successors, shall be a body politic and corporate, and shall be known by the name and style of "the Board of Trustees of West Point," and by that name and style shall be capable, in law, of contracting and being contracted with; they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places: they may use a common or private seal. They shall have power to pass all necessary ordinances and by-laws for the improvement, regulation, and advancement, of the interest and morals of said town, not inconsistent with the constitution of the United States, or the constitution and laws of this State. They shall have power to receive, by donation or otherwise, any lot or lots of ground in or near said town, for the purpose of the erection of any necessary or needful public building or buildings in said place. They may order, provide for, and contract for their erection. They shall have power to assess, annually, a tax on the legal tithables of said town, not to exceed one dollar a head; and to levy an *ad valorem* tax on all the personal and real estate in said town, which is subject to taxation by the revenue laws of this State, not to exceed fifty cents on each one hundred dollars' worth of property. They shall have power to contract for the sinking of wells and the improving of springs. They shall have power to open the streets and alleys in said town, and to improve the same by grading, paving, and McAdamizing. They shall have power to impose and collect a tax, not exceeding twenty dollars, from the owner or owners, manager or managers, of each and every store boat that may land at said town, with the intent to trade or sell merchandize, unless they shall have previously obtained a license from the Clerk of some court in this Commonwealth, so to trade. They shall have power to levy and collect from the owners or managers of all exhibitions of animals, or shows, of all and every kind and description that may be exhibited within the limits of said town, any sum not exceeding twenty dollars. They shall have power to pass by-laws to prevent racing or running horses, and to suppress all kinds of disorderly conduct within the limits of said place. They shall appoint one of their body to act as Chairman, who shall sign the record and proceedings of each meeting, and shall have power to administer an oath of office to any officer appointed by said Board. He shall preside over each meeting, keep order, &c.; and shall have power to call a meeting of the Board of Trustees, at any time; and said Trustees shall have power to do all other acts, matters, and things, which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform. It shall require a majority of said Trustees to constitute a Board to do business. All fines and forfeitures that shall be recovered, and taxes that shall be collected, by said Trustees, or collected under their order, shall be appropriated to the purposes and improvements, as before

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named. They shall, as soon as practicable, cause the lines and boundary of the town, to be surveyed, and suitable and permanent indexes to be fixed and placed at the corners thereof.

SEC. 3. That said Board of Trustees shall appoint a Clerk, who shall continue in office until the election for Trustees, next succeeding his appointment, shall take place: and, in like manner, each Board of Trustees shall appoint a Clerk, to act, during the term for which they may be elected, and until another is duly appointed—whose duty it shall be to keep a record of all the proceedings of said Trustees, in a book to be furnished to him by said Board. He shall record, copy and certify all ordinances, &c., that said Board shall deem necessary. He shall safely keep all papers filed with said Board, or himself. He shall make a record of the names of all the persons voted for, as Trustees for said town, at the first and each succeeding election, and shall, also, make a record of the names of the persons voting. He shall declare the persons elected. He shall preside over each election for Trustees, after the first; and shall record a map or plan of said town, when furnished him by said Board; and at the expiration of said Clerk's term of office, he shall return, in good order, the books and papers he may hold as Clerk to the Board of Trustees; and during his term of service, all the books and papers he may hold as Clerk, shall be, at all times, open and free to the inspection of said Trustees.

Clerk—his duties, &c.

SEC. 4. That said Board shall have power to appoint a Commissioner, to take in a list of the names of all persons residing in said town, subject to a poll tax; and, also, the names of all persons owning property lying in said town, subject to taxation, affixing thereto the value of the taxable property owned by each individual, which list shall be returned to the Clerk of the Board of Trustees within sixty days after the appointment of said Commissioner.

Commissioner of tax—his duties.

SEC. 5. That if any person or persons shall fail or refuse to give in a list of his or her taxable property, to said Commissioner, together with the valuation thereof, it shall be the duty of the said Commissioner to report the fact to the Trustees, together with the amount of property (as near as he can ascertain,) owned by such individual, in said town; and, thereupon, said Trustees shall proceed, upon the report of said Commissioner, and such other information as they can obtain, to fix the amount with which such individual may be properly chargeable, and to collect the same in the same manner as if the list had been regularly given to said Commissioner.

Commissioner to report all those who fail to give a list of property.

SEC. 6. That said Board of Trustees shall, as soon as practicable after said Commissioner's list shall be returned, as aforesaid, appoint a Collector to collect all moneys which may become due to said Board, who shall give bond, with security, to said Board of Trustees, in a penalty at least double the amount of tax to be collected by him, conditioned for the prompt collection and payment of said tax to the

Collector to be appointed—his duties.

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Treasurer hereinafter named, within six months after his appointment, or order to collect, by said Board, during which period of time the said collector shall have power to distrain for said taxes, in the case of non-payment, and sell, if necessary, in the same manner as is now authorized by law in regard to Sheriffs in collecting the county levy: provided, however, that all real estate levied on by said Collector, shall be exposed to sale on the public square in said town, and shall be redeemable at any time within two years, by paying ten per cent interest on the amount, and the costs and charges of sale.

Treasurer to
be appointed—
his duty.

SEC. 7. That said Board of Trustees shall have power to appoint a Treasurer, who shall keep the funds of said Board safe, and pay the same over, by the order of said Board, or the Chairman thereof, to such person or persons as he or they may direct, and said Board may require bond, with security, of said Treasurer, in such penalty as they may deem necessary, conditioned as aforesaid.

All officers
to take an oath.

SEC. 8. That all the officers appointed by said Board shall take an oath, before the Chairman of said Board, or some Justice of the Peace of said county, before he enters upon the duties of his office, to truly and faithfully discharge all the duties of his said office.

Vacancies—
how filled.

SEC. 9. That should the office of Trustee, Clerk, Assessor, Treasurer, or Collector, become vacant from any cause, it shall be lawful for a majority of the Trustees, then in office, to fill such vacancy.

May allow
compensation
to officers.

SEC. 10. That said Board shall have power to fix and allow adequate compensation to all its subordinate officers. The Treasurer, Assessor, and Collector, shall not continue in office longer than the first Monday in May, in each year, after their appointment. In all other matters and things, not herein granted, the aforesaid officers shall be governed by the general law of this State in relation to Trustees and other officers of towns.

The town of
Warsaw incor-
porated.

SEC. 11. That so much of the county of Gallatin as is now embraced within the boundary of Warsaw, and the inhabitants thereof, shall be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of the town of Warsaw, and by that name and style shall be capable, in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, in all courts, and elsewhere; and may have and use a common seal, and change, alter and renew the same at pleasure.

Trustees—
how to be elect-
ed, &c.

SEC. 12. That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in seven Trustees, who shall be elected, the first time, on the first Monday in May next, and on the same day in each succeeding year, by the legal voters resident in Warsaw. They shall be resident citizens and lot holders in War-

saw, and shall hold their offices for one year, and until their successors are elected and qualified; and they shall elect one of their own body Chairman, and they shall be known as the Chairman and Board of Trustees of the town of Warsaw; and shall fill all vacancies which may occur in their own body, between the annual elections.

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Sec. 13. The Chairman and Board of Trustees of the town of Warsaw shall appoint a Clerk, and keep a record of their proceedings; and may appoint all such other officers and agents as may be required in the transaction of the business of said town; and all the provisions and privileges, rights, benefits and advantages vested, by law, in the Trustees of the town of Frankfort, shall be and the same are hereby vested in the Trustees of the town of Warsaw, in the same beneficial manner as though the same were re-enacted and made applicable to the town of Warsaw in the same words that they are made applicable to the town of Frankfort.

To keep a record of their proceeding, appoint officers, &c.; and have same rights &c. as the Trustees of Frankfort.

Approved February 16, 1838.

CHAP. 921.—AN ACT further to amend the law to revive the Goose Creek Turnpike Road, approved January 22d, 1836.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Commissioners, appointed by said act to superintend said road, shall be and they are hereby authorized to erect a turnpike gate across the road leading towards the counties of Madison and Lincoln, to the Goose creek salt works, in Clay county, at the house of Robert Cornett, in Clay county; and said Commissioners shall, also, appoint a gate keeper, whose compensation shall not exceed sixty five dollars per annum, and who shall give bond and good security to said Commissioners, in the penal sum of six hundred dollars, for the faithful discharge of duties as hereinafter mentioned.

Sec. 2. That the keeper of said gate, before he enters upon the duties of said office, shall take an oath, before some Justice of the Peace, for the faithful discharge of his duties as gate keeper, who shall keep a book, and enter therein the amount of toll received at said gate each and every day in the year, and said book shall be subject to the inspection of said Commissioners, at all times, and who shall pay over to said Commissioners, or their order, all money collected as toll at said gate, after deducting his compensation.

Sec. 3. That it shall be the duty of said Commissioners to settle with said keeper at least once a year, which settlement shall be entered on the books of said gate, when made; said Commissioners shall have full power to remove said gate and keeper whenever, to them, it shall seem proper, and appoint another in his stead: and that all laws requiring salt wagons

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to pay toll at the Crab Orchard and Madison gates, be and the same are hereby repealed.

SEC. 4. That the rates of toll at said gate, shall be as follows, to-wit: for each wagon, driver and team of six horses, fifty cents; for each wagon, driver and team of four horses, thirty seven and a half cents; for each wagon, driver and team of two horses, twenty five cents; for each wagon, with one horse, twenty five cents; for each cart, ox team and driver, twenty five cents; for every horse, mare, or mule, not in a wagon, six and one fourth cents; for man and single horse, twelve and a half cents.

SEC. 5. That the money arising from said gate shall be expended in the construction and repair of said road, by the Commissioners, as is contemplated in the act to which this is an amendment.

SEC. 6. That that this law shall take effect from and after the first day of March next.

Approved February 16, 1838.

CHAP. 923—AN ACT to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

WHEREAS, it is represented to the present General Assembly, that the draining of the ponds in that part of the county of Jefferson, south of Louisville, called the Pond Settlement, would greatly promote the health of citizens and improve the value of the lands, and the citizens having presented a petition praying the passage of an act, adapted to that end—therefore,

Corporators
names, and the
boundary of
lands over
which they are
to have juris-
diction.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Warrick Miller, Jesse Swingler, Daniel E. Jones, Col. John Jones, and Alexander P. Churchill, and the inhabitants within that part of Jefferson county, beginning at the mouth of Dry run on the south fork of Bear Grass, and running thence up said run to the Flat Lick road; thence in a straight line to James Tate's farm, including the same; thence so as to include the farm of the late David B. Philips, dec'd; thence to the house of the late Wm. Sanders, dec'd; thence in a straight line to the range of knobs, which runs parallel with the Salt river road; thence down said range of knobs, in a southern direction, and on the south side thereof, so as to include the farms of Col. John Jones and Robert Miller, to Thomas Camp's mill, on Pond creek; thence down said creek to Salt river; thence with Salt river to the Ohio; thence up the Ohio to the line of the city of Louisville, and thence with the southern line of said city to the south fork of Bear Grass, and up the same to the beginning, is hereby incorporated, by the name and style of the "Jefferson Pond Draining Company;" and they, and their successors, shall have perpetual

succession, and full power and authority to drain, and keep drained, all the ponds and marshes in said boundary, at the cost and charges of the owners and proprietors of the land contained within the said boundary; and to make all necessary contracts, to sue and be sued, plead and be impleaded, in all courts; and to keep a record of all their proceedings: and to appoint all the necessary officers and agents for the purpose of carrying into effect the provisions of this act—who shall be under the control of the managers of said company—and said board of managers shall consist of the above named Warrick Miller, as President; Daniel E. Jones, Col. John Jones, Jesse Swinger, and Alexander P. Churchill, as Managers; and they shall be called the President and Managers of the Jefferson Pond Draining Company.

SEC. 2. That for the year 1838, and each year thereafter, there shall be collected on each acre of land, within the above boundary, a tax not to exceed fifteen cents, which shall be fixed by the President and Managers; and they shall cause an assessment to be made of each acre of land, within said boundary, with the name of the owner, and list the same for collection with the Sheriff of Jefferson county, who shall collect and pay over the same to the order of the said President and Managers, at the same time he is bound to collect and pay over the revenue tax; and he shall have the same power to levy and collect the same that he has to levy and collect executions that may come into his hands; and he and his securities shall be liable to the same penalties; and all such sums of money, together with all such damages, may be recovered by said President and Managers of said Sheriff, on motion, in the Jefferson Circuit Court, in the same manner and under the same forms as money collected and withheld on execution.

SEC. 3. That with the money collected, as is provided in the second section of this act, the said President and Managers shall employ a competent Engineer, and cause him to take the necessary and proper levels, and make a plan for the draining of all such ponds and marshes, within said boundary, as they may direct; and make an estimate of the cost of each, separately; and make another estimate of the quantity of land which will be reclaimed on each tract, and which will recover from the draining, a value over and above its value in a natural state; and the President and Managers shall have power and authority to levy, on all such lands, the amount of additional value which said Engineer is of opinion such land has acquired, by draining, which shall be collected and accounted for as provided for in the 2d section of this act, as to the tax there authorized to be collected; and to be recovered in the same manner from the collector and his securities, and in the same court, with like damages; and the money so collected shall be expended in making the drains and improvements by which the land is reclaimed; but if that is done with other funds, the amount may be applied to the draining

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Tax to be levied and collected, and in what manner.

Money collected—how to be applied.

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of other lands, provided if any person shall feel himself aggrieved by the assessment of the Engineer, as provided in this section, he shall have a right to a copy of the assessment, and may, at any time within thirty days, file it with a traverse, and sue out from the Circuit Court Clerk's office of the county of Jefferson a summons to said President and Managers, to show cause why there should not be a re-assessment; and on a return of the summons executed, the cause shall be set for trial as forcible entries, and a jury shall be empannelled to enquire into the correctness of the assessment, and if they find it too high, they shall reduce it, and if too low, they shall raise it; and the court shall give judgment for the amount fixed by the jury, and if the assessment is not reduced, for the costs of the proceedings.

May acquire
right of way for
drains, and
how.

SEC. 4. That said President and managers shall have the right to acquire, by deed of gift, purchase, or otherwise, a right of way for all necessary sites for said drains; and in case the parties cannot agree, they may apply to the County Court of Jefferson county and have the right of way condemned, as public roads are condemned in this Commonwealth, except that a certified copy of the Engineer's report, of a drain, shall be in place of the report of Commissioners, under the road law, and be considered in favor of the drain; and may be acted on by the court so soon as the proprietors shall be notified, who may claim the writ of *ad quod damnum*; and the court shall have the same power to condemn the right of way and establish the drain that it has to establish a road: and when any person shall have paid any money, under the provisions of this act, and shall thereafter lose the land by virtue of other claims, they shall have a lien on the same for the amount they have paid for the improvement of any such land; and the said Sheriff, if he shall have to sell any land under any of the provisions of this act, shall, in all respects, be governed by the laws on the subject of collecting taxes within the city of Louisville; and the owner shall have the same right of redemption, with the owners of land residing within said city: and if that portion of the territory, within said boundary, known as the lower ponds, shall object to be included and come under the provisions of this act, and a majority of the legal voters therein shall petition the said President and Managers, within six months after the passage of this act, to be excluded, then, and in that case, the boundary shall not extend lower down than a point on the Ohio river, one mile below Cane run, and thence to the foot of the knobs in a line so as to include the above named Jesse Swingler.

Name and
style—capital
stock and cor-
porate powers.

SEC. 5. That for the purpose of promoting the manufacture of iron, and woollen, cotton and hempen goods, and sawing timber, a company, for the manufacture thereof at the Great Falls of Rough creek, is hereby created and established, to have corporate existence for twenty years, by the name and style of the "Rough Creek Manufacturing Company," with a

capital of one hundred thousand dollars, divided into shares of one hundred dollars each; and said company shall be capable of purchasing and holding, and of selling and buying, all such lands, tenements, and hereditaments, and all such machinery and personal estate, and of building and erecting all such houses as may be necessary and convenient for the transaction of its business; and of contracting and being contracted with, of suing and being sued, and pleading and being impleaded, and making by-laws for the government of the corporation; and of having and using a common seal, and of changing the same at pleasure; and generally to do all acts and things that a corporation, for limited purposes, may lawfully do.

SEC. 6. The management of the affairs of the company shall be confided to a President and three Managers, to be chosen at such time and place, and for such duration, as the by-laws of the company shall direct. The President and Managers shall appoint a Clerk, and keep a record of their proceedings, and cause regular books to be kept of the business transactions of the company; and they shall appoint all such other officers and agents as the business and transactions of the company may require.

Affairs of the company to be confided to a President, &c; how chosen.

SEC. 7. That the stockholders shall pass by-laws, directing how the stock in the company shall be transferred, and the number of votes each stockholder shall have in proportion to his stock, and when the dividends shall be declared, and what shall vacate the office of a President or Manager, and how the same shall be filled, and all such other matters as will best secure the interest of the company.

May pass by-laws.

SEC. 8. That Willis Green shall be and he is hereby authorized to sell the stock in said company, at such time and in such manner, and payable in such instalments as shall be found convenient; and when thirty thousand dollars shall be subscribed, a meeting of the stockholders shall be called by said Green, on ten days' notice to the stockholders, and a President and three Managers shall be chosen, to manage the affairs of the company; and they may sell the residue of the stock, as they may deem most advantageous to the company. The stock shall be personal estate and pass as such.

Stock to be sold—by whom—and how payable.

SEC. 9. That nothing but the profits shall be divided during the continuance of the corporation; and the increased value of its lands, buildings, and machinery, over the original cost, shall not be considered profits for the purpose of making dividends; and if the capital shall be withdrawn, or lessened by dividends, the stockholders shall be liable, by suit in equity, out of their individual estates for the debts of the company: provided, that the corporation may be dissolved by three-fourths of the stock agreeing thereto—the debts and responsibilities of the corporation being first paid.

Nothing but profits to be divided.

SEC. 10. The corporation shall not exercise any privilege of banking, or circulating any notes, checks, or drafts, or

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other paper, in violation of law; but shall confine its business to the objects mentioned in this act, and such like manufactures; and any violation of the charter shall work a forfeiture of the corporate privileges.

Approved February 16, 1838.

CHAP. 923.—AN ACT for the benefit of Leonard D. Cash.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of twenty dollars be and is hereby appropriated, out of the public Treasury, to Leonard D. Cash, and the Auditor is hereby directed to issue his warrant on the Treasury, in favor of said Cash, for said sum, and the Treasurer directed to pay the amount of said warrant, out of any money in the Treasury not otherwise appropriated.

Approved February 16, 1838.

CHAP. 924.—AN ACT for the benefit of William S. Floyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William S. Floyd and his wife, Matilda A. Floyd, is forever dissolved, so far as the said William S. Floyd is concerned; and he is hereby restored to all the rights and privileges of an unmarried man.

Approved February 16, 1838.

CHAP. 925.—AN ACT for the benefit of John H. Slaughter, of Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby allowed to John H. Slaughter, of Rockcastle county, the sum of twenty dollars; and, for which sum, the Auditor is hereby directed to issue his warrant on the Treasury in favor of said Slaughter.

Approved February 16, 1838.

CHAP. 926.—AN ACT for the benefit of William C. Mahan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William C. Mahan be allowed until the first day of April next to execute bond as Collector of fines in the forty third Regiment of Kentucky Militia, for the years 1835 and 1836; and said bond, when executed, shall be valid and binding, in all respects, as if it had been executed accord-

ing to the laws now in force; and the said Mahan is hereby allowed until the first day of October next, to collect and account for the fines in said Regiment, imposed in the years 1835 and 1836.

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Approved February 16, 1838.

CHAP. 927—AN ACT to amend an act, entitled, an act to provide for the improvement of the road from Franklin County to Crab Orchard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of completing the road from Hardinsville to Crab Orchard, the sum of five thousand dollars is hereby appropriated, to be invested by the Board of Internal Improvement, as additional stock, in that part of said road which lies in Franklin county and terminates at Hardinsville.

Approved February 16, 1838.

CHAP. 928—AN ACT for the benefit of David Jones.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the calling of the prosecution now pending in the Clinton Circuit Court against David Jones, for murder, it shall be lawful for said Jones to elect to be tried in the county of Cumberland; and upon his making said election the court shall cause his consent and election, so made, to be entered upon the record of said court; and, thereupon, the Judge of said court shall cause the said Jones to be transferred to the jail of Cumberland county, and shall, also, cause a transcript of the record, and all the other papers connected with said prosecution, to be transferred to the Clerk of the Cumberland Circuit Court.

SEC. 2. That the Cumberland Circuit Court shall have full power and jurisdiction to take cognizance of said offence, as though the same had been committed in said county; and shall have power and authority to cause an indictment to be filed, and to issue process to compel the attendance of witnesses, and do all other things in relation thereto as fully as if said offence had been committed in that county; provided, however, that nothing in this act contained shall be construed to deny to said Jones the right of being bailed, if a court of competent jurisdiction shall determine that said offence is bailable: provided, in the event there should be any defect in the indictment, or other defect in the writing, relating to said charge, that it shall be lawful for a grand jury to be empanelled, and the necessary steps to be taken, in order that he, the said Jones, may be tried for the crime aforesaid, upon the full merits of the case.

Approved February 16, 1838.

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CHAP. 929—AN ACT to apportion the Seminary lands in the County of McCracken.

County to be
districted, and
each district to
have one-fifth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Seminary lands west of the Tennessee river, appropriated to the county of McCracken for school purposes, be and the same is hereby apportioned in the following manner, to-wit: the county of McCracken shall be laid off into five school districts, and each district shall be entitled to one fifth part of said land; the town of Paducah shall constitute one of the districts above mentioned, and the one fifth part of said Seminary lands be and the same is hereby appropriated to the building and furnishing of a Seminary in the town aforesaid, which was incorporated by an act, approved February 9, 1837.

Commission-
ers to lay off
districts.

SEC. 2. That Charlton B. Davidson, Richard D. Gholson, Thomas Terrill, James Calhoun, John Hynes, and Joseph G. Cole, be and they are hereby appointed Commissioners to lay off the county of McCracken into school districts, as above directed, and apportion the land aforesaid among each district; and said Commissioners are hereby authorized to employ the county Surveyor of McCracken county to aid them in apportioning said land, who shall be allowed the same fees as he is now allowed by law for similar services; said Commissioners shall proceed to the discharge of the duties contained in this section, on or before the first day of July 1838.

Lands ap-
portioned to Pa-
ducah Semina-
ry to be sold,
and how.

SEC. 3. That the Commissioners aforesaid, shall, so soon as the land is apportioned and the Trustees of said Seminary shall notify them that they are willing and ready to commence the building of said Seminary, cause that portion of the land allotted to the town of Paducah, to be advertised for sale; by written notices, at five of the most public places in said county, and, also, in any public newspaper printed in the town of Paducah, should there be any, at least three weeks before the day of sale. And the Commissioners, upon the day of sale, which shall be had at the court house door in Paducah, on some court day, shall cause said land to be sold at public auction, to the highest bidder; provided, that if any person shall not bid fifty cents per acre, for said land, no sale thereof shall be effected; and said Commissioners shall not sell said land on a longer credit than twelve months.

Commission-
ers to convey
land sold.

SEC. 4. That said Commissioners be and they are hereby authorized to convey to the respective purchasers thereof, after all the purchase money is paid, due by each, all the lands, or any part thereof, which may be sold under the provisions of this act; and said Commissioners shall require of said purchaser, or purchasers, bond, with approved security, which bond or bonds shall be delivered and made payable to the Trustees of the Paducah Seminary, and on which suit may be instituted by said Trustees in the McCracken Circuit Court, or any other court in this Commonwealth having jurisdiction of the same.

SEC. 5. That the Trustees aforesaid, after said land has been sold, and the bonds thereof delivered to them, and, also, after they have collected the money on the same, shall, for any improvident use of the bonds or money, or both, or for appropriating the same to any other purpose than herein directed, shall be responsible, jointly and severally, in their individual capacity, for the amount so improperly used: and the Commissioners, appointed under this act, are hereby authorized to institute suit against said Trustees in the McCracken Circuit Court, or any court of record in this State having jurisdiction of the same.

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Trustees to be responsible, individually, for misapplying the money received, and may be proceeded against.

SEC. 6. That the Commissioners aforesaid, shall make out a report, in writing, on or before the first day of November 1838, stating the quantity of land sold, and the person or persons to whom it was sold, which said report shall be lodged with the Clerk of the McCracken County Court, to be by him carefully filed away and preserved, subject to the inspection of those whose interest or duty it may be to be informed of its contents.

Commissioners to make report—when, &c to whom.

SEC. 7. That a majority of the Commissioners herein appointed, are hereby authorized to carry the provisions of this act into effect, and supply any vacancy which may happen among them, either from a refusal to act, resignation, or otherwise; and if the Commissioners should deem it necessary to lay off the county of McCracken into school districts, and apportion the land as aforesaid, they shall, nevertheless, allot to the town of Paducah one fifth part of said land, having due regard to the quality and value thereof.

Majority of Commissioners may act—and fill vacancies.

Approved February 16, 1838.

CHAP. 930—AN ACT for the benefit of Susan and Catharine Shannon.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for William Shannon and Catharine Shannon, for themselves and their two infant children, to apply to the Scott circuit, by petition, setting forth, on oath, that in their opinion it would redound to the interest of said children to sell a tract of land, situate in Scott county, devised to Catharine Shannon, during her life, and after her death to her two infant children, by the last will and testament of Mrs. — Plumer, deceased, and apply the proceeds of the sale of said land to the purchase of other lands in any of the Western States; and a copy of said will shall be filed and made a part of said petition.

SEC. 2. That on the filing of said petition, it shall be the duty of said court to appoint three house keepers of said county, a majority of whom shall, after being duly sworn, value said land, and report to court the said valuation, and whether or not, in their opinion, it will redound to the inter-

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est of said children that said sale and investment be made; and if said Commissioners shall, in their report, state it as their opinion that the interest of said infants will be promoted by said sale and investment, then it shall be the duty of said court to enter up a decree, appointing a suitable person a Commissioner to sell said land, on such credits as said court may direct; and when the purchase money is paid, to convey said land to the purchaser.

SEC. 3. That said court shall appoint a Commissioner to apply the sale money to the purchase of other lands, and to receive and take conveyances of said lands to said infants; also, requiring of the Commissioners, herein appointed, bond and security, for the faithful performance of the trust herein confided to them; and, also, requiring them to make full reports to court.

Approved February 16, 1838.

CHAP. 931.—AN ACT for the benefit of George Grant and others.

WHEREAS, it is represented to the General Assembly, that George Grant, John W. Franklin, and Walter Calvert, Commissioners for taking lists of taxable property for the county of Mason, did commence taking in the lists of taxable property for the year 1837, and had made considerable progress therein, before they received notice of the passage of the act of 23d February, 1837; and that they did, after being notified of the passage of said act, commence and retake the lists of taxable property in pursuance of the provisions of said act; and that the Auditor of Public Accounts has refused to allow their claim for the services rendered prior to being notified of the passage of said act—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Mason to make such allowance to the said Grant, Franklin, and Calvert, for the services rendered by them as Commissioners aforesaid, and for which no allowance has heretofore been made, as the said court may be satisfied is equitably due to them: provided, that they shall not be allowed more than one dollar per day, for the actual time they were engaged in taking said lists, before notice of the passage of the act aforesaid; and the said court shall certify the allowance, so made, to the Auditor, who shall issue a warrant therefor, upon the Treasurer, for the amount thereof.

Approved February 16, 1838.

CHAP. 932—AN ACT to authorize William Green to erect three gates across the road leading from Jamestown to Monticello, in Wayne County.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Green, of Russell county, (a majority of all the justices of the County Court of said county concurring therein,) be and he is hereby authorized to erect three gates across the road leading from Jamestown, in Russell county, to Monticello, in Wayne county.

SEC. 2. That said gates shall be at least nine feet wide, and so constructed as to open and shut with convenience.

SEC. 3. That a Majority of the County Court of Russell county shall have full power to have said gates removed, whenever they conceive them to be of public inconvenience.

Approved February 16, 1838.

CHAP. 933—AN ACT to extend the limits of the town of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits of the town of Danville, be and they are hereby so enlarged as to include, hereafter, within the limits of said town, all that addition which will be embraced by an extension of the north and south limits of said town, westwardly, the same course that they now run, so as to intersect with a line to be run parallel to the present western limits of said town, commencing at a point one half mile due west from the center of Broad and Main cross streets, and extended thence north and south so as to intersect with the said extension of the north and south lines of said town.

Approved February 16, 1838.

CHAP. 934—AN ACT to add an additional Justice of the Peace to Grayson County.

WHEREAS, sundry citizens of Grayson county are very desirous to have a Magistrate residing on the waters of Richland creek, in the vicinity of John Renfro's—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be allowed to Grayson county.

Approved February 16, 1838.

CHAP. 935—AN ACT for the benefit of Thomas Mitchell, Jailor of Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act for the benefit of

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Thomas Mitchell, Jailer of Lewis county, approved the 27th of January, 1835, shall be revived, and continued in force for two years from and after the passage of this act.

Approved February 16, 1838.

CHAP. 936.—AN ACT supplementary to an act, entitled, an act to authorize a change of venue from the Louisville Chancery Court to the Jefferson Circuit Court, and for other purposes, approved February 9th, 1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of said act as provides that the power and authority to establish ferries within the limits of the city of Louisville, in the County Court of Jefferson, shall be vested in the Mayor and Council of said city, shall not be so construed as to apply to causes pending in said County Court, at and before the time of the passage of said act; but such causes shall, hereafter, be decided, on notice to the lessees and proprietors of the other ferries above the Falls, and within the city of Louisville, when a majority of the Justices of the county shall be on the bench, and with the concurrence of a majority of such majority; and any such causes which may have been decided in said court after the transfer of the power, shall be reinstated on the docket, and proceeded in as here-in provided.

Approved February 16, 1838.

CHAP. 937.—AN ACT to change the time of holding the Shelby Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Shelby Circuit Court shall continue eighteen juridical days, whenever it may so happen that there are five Mondays in the month in which its terms commence.

Approved February 16, 1838.

CHAP. 938.—AN ACT to define the powers and duties of the Trustees of the town of Munfordsville, in the County of Hart, and for other purposes.

May appoint
commissioner
of tax, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Trustees of the town of Munfordsville, in the county of Hart, shall have power, annually, to appoint some fit person, who shall be styled Commissioner of tax, for the purpose of making assessment of the taxable property and persons in said town, who shall execute bond, in the penalty of four hundred dollars, with one or more good securities, payable to said Trustees, conditioned for the faithful discharge of his office. It shall be the duty of said Commissioner of tax to call upon the

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several owners of such property, as is, by this act hereinafter made subject to taxation, for a list of his, her, or their taxable property, if residents; if not, upon their agent or agents, should there be any residing in said town known to said Commissioner; which list, if the Commissioner shall not be pleased with its valuation, he is hereby authorized to call up any two disinterested housekeepers in said town, and have said list corrected, and a just and true valuation affixed; all of which lists shall be sworn to by the persons giving the same in, to the actual worth of the property therein mentioned, together with the improvements thereunto attached; which oath the said Commissioner is hereby authorized to administer; whereupon, he shall enter the several lists, in alphabetical order, in a book to be preserved by him, in the same manner as Commissioner's books of county levy and State revenue are made out. And in case any person shall fail or refuse to give in a list of his, her or their property, as herein mentioned, when called upon by the Commissioner, said person shall be fined in any sum not over twenty, nor under ten dollars, recoverable in the name of said Trustees, before any Justice of the Peace.

SEC. 2. That said Commissioner shall return said book, in which he has entered said list, within one month after his appointment, to the Clerk of said board, who shall make a memorandum of the time of said return; and at the next meeting of said Trustees, the same shall be laid before them, who shall examine the same, and make such orders relative to the same as they may think proper.

When commissioner's book to be returned.

SEC. 3. That in case any person or persons, who are not residents of said town, should be the owner or owners of any property listed for taxation, and have no known agent or agents residing in said town, it shall be the duty of the Commissioner, aforesaid, to call upon two housekeepers to value the same, which, with its affixed value, shall, in like manner, enter the same in his book of assessment as before directed.

Non-resident's property, how to be valued.

SEC. 4. That said board shall have power to appoint a collector, whose duty it shall be to collect and account for such tax, within two months after a list has been placed in his hands; and if any person shall fail or refuse, when called on by said collector, to pay his or her taxes, it shall be the duty of said collector to coerce payment thereof, by distress, in the same manner as Sheriffs or other collecting officers collecting the public dues; and in case no personal estate, belonging to the person or persons owing tax, can be seized by said collector, it shall be his duty to sell any portion of the real estate in said town, of said person owing said tax, as will be sufficient to pay and discharge the same; and collector shall have power to convey the legal title therof to the purchaser, or purchasers, which deed shall be recorded in the same manner as other deeds are directed to be recorded by law: *Provided, however*, that the owner or owners of said real estate shall

Shall appoint a Collector; his powers and duties.

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have twelve months to redeem the same, if a resident of the State, if not, he or they shall have two years from the date of said sale, by paying the amount of tax for which the same was sold, together with fifty per cent. thereon.

Collector to give bond; and may be moved against for failing to pay over taxes.

SEC. 5. That before said collector shall enter on the duties of his office, he shall enter into bond, with one or more good securities, payable to said Trustees, in such penalties as they shall direct or require, conditioned for the faithful performance of his office; and if said collector shall fail to collect or pay over any money due from him to said board, said Trustees may move against him, and his securities, in any of the courts of this State having jurisdiction thereof, either by motion, or suit on said bond, which motion or suit may be made, or prosecuted, in the same manner as directed by law against delinquent Sheriffs; and said court, in rendering judgment against said delinquent collector, shall render a judgment for the amount of his delinquency, together with twenty per cent. damages, and costs; and upon any execution that may issue thereon, the Clerk of the court shall endorse that no security of any kind shall be taken.

Powers of Trustees concerning buildings.

SEC. 6. That said Trustees shall have power to prescribe the situation of the buildings hereafter to be put up on the streets of said town; and shall have power to cause any person or persons owning any building, now on said streets, or any such buildings as may be hereafter put up on said streets, to make side-walks of brick or stone, in front of such buildings; and if any such owner of any such building or buildings shall fail or refuse to make such side-walk, within a reasonable time after being notified so to do, it shall be the duty of said Trustees to procure the same to be done on the best terms practicable, and charge the same against such owner or owners for the amount they may have expended in said work, and fifteen per cent. damages thereon, which shall be collected as before herein directed, by the town collector.

To keep the streets and alleys in repair—may levy and collect a tax.

SEC. 7. That it shall be the especial duty of said Board of Trustees to keep the streets and alleys of said town in repair, and make any improvements thereon which they may deem necessary and expedient; and to this end, said board shall have power to levy any tax upon the citizens or owners of real estate, in said town, provided such tax shall not exceed, in any year, more than ten cents in the hundred dollars ad valorem, and fifty cents poll; which shall be levied on the real property, with the improvements thereon, slaves, goods, wares and merchandize, of any merchant or grocer; hogs, horses and cattle, which may be kept in said town: provided, however, that the personal property shall, in no case, pay more than half the amount of tax raised on real estate and the improvements thereon: and no citizen of said town shall be compelled to work upon, or pay for keeping in repair, any road or roads farther than the town limits.

SEC. 8. That if any member of said board of Trustees shall

fail or neglect to attend the sitting of said board, twice in succession, they may proceed to fine such member or members, without good cause shown, in any sum not exceeding two dollars for each offence; and if the said Board of Trustees shall fail or refuse, within a reasonable time, upon the application of any person or persons, to take the necessary steps to try and punish any offender or offenders against the provisions of this act, or shall be guilty of a breach of the duties imposed upon them herein, it may be lawful for said person or persons to apply to the Clerk of the County Court of Hart county for a summons, which said Clerk is hereby directed to issue against said Trustees, summoning them to appear before the next County Court, to be held for said county, to show cause why they should not be fined for a neglect or refusal to discharge said duty or duties; and it shall be the duty of said County Court to hear and determine the controversy between the parties, and enter judgment thereon according to the circumstances of the case, provided said Trustees shall not be fined more than ten dollars for each offence. And it shall be the duty of said court to enter judgment against such person or persons, for cost, if he or they have improperly entered proceedings against said Trustees.

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May be fined for non-attendance.

Penalty for breach of duty.

Sec. 9. That this act shall not repeal any laws now in force, except such as are inconsistent with the provisions of this act.

Approved February 16, 1838.

CHAP. 939—AN ACT for the appropriation of money.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following sums of money, not otherwise appropriated, be paid out of the Public Treasury to the several persons entitled to the same, viz:

To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

Speakers.

To the Clerks of the Senate and House of Representatives, ten dollars per day, each.

Clerks.

To the Sergeants of the Senate and House of Representatives, twenty eight dollars per week, each.

Sergeants.

To the Door Keepers of the Senate and House of Representatives, twenty eight dollars per week, each.

Door-Keepers.

To Samuel I. M. Major and John C. Herndon, assistant Clerks of the Senate and House of Representatives, five dollars per day, each.

Assistant Clerks.

To the Clerks of the Senate and House of Representatives, sixty dollars, each, for six days services after the close of the session, in preparing the acts for publication, and arranging the books and papers.

Clerks.

To William B. Holeman and John J. Vest, for furnishing water, making fires, &c. for the Senate and House of Repre-

Holeman and Vest.

1838. representatives, during the present session, six dollars per week, each.

Librarian.

To the Librarian, two hundred and fifty dollars, for the year 1838, to be paid quarterly.

Editors of the
Commonwealth
—Argus—Far-
mer.

To the Editors of the Commonwealth, the Frankfort Argus, and the Franklin Farmer, forty dollars, each, for furnishing their papers once a week to the members of the Senate and House of Representatives during the present session.

Lunatic As-
ylum.

To the Commissioners of the Lunatic Asylum, for supporting the lunatics in said Institution during the ensuing year, five thousand dollars.

Cumberland
Hospital.

To the Commissioners of the Cumberland Hospital, for the use of said Hospital, the sum of fifteen hundred dollars.

To Adam Beatty, W. G. Carter, and J. C. Weller, of the Senate, and to J. M. Johnson, William Anthony, F. A. Andrews, B. F. Hickman, Thomas Alexander, and H. Clay, jr., of the House of Representatives, as the committee to examine the Lunatic Asylum and Transylvania University, the sum of fifteen dollars, each.

To members of the joint committee to examine the Banks, &c., the respective sums following their names:

To David Trimble, twenty nine dollars and fifty cents.

To C. M. Clay, twenty dollars and seventy five cents.

To H. McElroy, seventeen dollars fifty cents.

To James Guthrie, nine dollars.

To A. K. Woolley, twenty dollars.

To J. D. Montgomery, thirty dollars, for firing a national salute on the 8th January, 1838, as per voucher, No. 1.

To George W. Gwin & Co., the sum of eleven dollars twenty cents, No. 2.

To John C. Melchoir, seventy dollars seventy five cents, No. 3.

To Charles Hutchinson, the sum of fifteen dollars fifty cents, No. 4.

To W. S. Johnson, the sum of twenty seven dollars 84 cents, No. 5.

To A. G. Taylor, fifteen dollars eighty seven and a half cents, No. 6.

To T. G. S. Kinkead, sixteen dollars, No. 7.

To J. W. Dellinger, sixteen dollars, No. 8.

To Reading and George, twenty seven dollars seventy five cents, No. 9.

To Charles H. Julian, two hundred and twenty five dollars sixty seven cents, No. 10.

To C. H. Julian for stationery furnished the Senate, fifty dollars twenty five cents, No. 11.

To Anderson and Lockwood, fifteen dollars seventy five cents, No. 13.

To E. H. Towles, five dollars and fifty cents, No. 14.

To J. Cammack, forty six dollars, No. 15.

To W. Chiles, sixty four dollars, No. 16.

To James Shannon, fourteen dollars, No. 17.
To Jonh Swingle, one hundred and fifty six dollars twenty five cents, No. 18.

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To James Davidson, eighty eight dollars twenty six cents, No. 19.

To G. T. Wood, fourteen dollars fifty cents, No. 20.

To James Davidson, seventy dollars, No. 21.

To Wm. M. Todd, for stationery for House of Representatives, two hundred and nineteen dollars twenty five cents, No. 22.

To Wm. M. Todd, for stationery for the Senate, one hundred and eighty five dollars thirty seven and a half cents, No. 23.

To Harrison Blanton, eighty one dollars two cents, No. 24.

To A. C. Keenon, five hundred and twenty four dollars, No. 25.

To A. S. Parker, five hundred and eighteen dollars sixty three cents, No. 26.

To Wm. Brown, three dollars, and to Wilson W. Allnut four dollars, No. 27.

To Adam C. Keenon and Charles H. Julian, for binding two thousand copies of the acts of the General Assembly, so much as it will amount to at fifty cents per volume; and, also, fifty cents for each volume of the journals of the two houses, one half of which shall be paid in advance, and the balance upon their producing to the Auditor of Public Accounts a certificate, from the Secretary of State, showing the delivery of the acts and journals aforesaid, into his office; provided however, that if the full number of copies, hereby authorized to be bound, shall not be so delivered, a deduction shall be made at the rate of fifty cents for each copy of the acts and journals that are not bound by them.

Keenon and Julian—for binding the acts and journals.

To A. G. Hodges, Public Printer, the sum of five thousand nine hundred and fifty seven dollars sixty seven cents, as per bill rendered.

Public Printer.

To A. G. Hodges, in advance, the sum of three thousand dollars for public printing to be done by him in the year eighteen hundred and thirty eight.

Advance to Public Printer.

SEC. 2. *Be it further enacted*, That the Auditor of Public Accounts shall be and he is hereby authorized and directed to settle with A. G. Hodges, for public printing for the year 1837, not included in his bill rendered, and issue his warrant on the Treasury for such sum as may be found due said Hodges, on such settlement; and the Auditor is, also, hereby directed to settle with L. Batchelor and Wm. B. Holeman, according to the printed acts of the last session of the General Assembly.

Auditor directed to settle with the Public Printer, for the balance of work executed this session.

To James Coleman there is, also, hereby appropriated the sum of six hundred dollars, for services rendered in Secretary of State's office, as Clerk up to the 15th February, 1838.

To James Moss & Co., ten dollars.

To the Clerks of the Senate and House of Representatives, Clerks.

1838. . for making indexes to the journals of the present session, one hundred dollars, each, to be paid when the work is done, No. 28.

To J. M. Black, ten dollars, and to T. S. Page twenty five dollars, for services as Clerks to the committee on Banks, No. 29.

To Andersen and Lockwood, four dollars and fifty cents, No. 30.

To Wm. Hardin for care and attention to the public buildings, the sum of seventy five dollars.

To John and Moses, twenty dollars, each.

SEC. 3. *Be it further enacted*, That Joseph Gray, Sergeant at Arms of the House of Representatives, be allowed the sum of one dollar per day for the services of his son James Gray in the House of Representatives, as assistant.

SEC. 4. *Be it further enacted*, That there be appropriated the sum of one dollar per day to Wm. C. Anderson, for services rendered to the House of Representatives.

To S. R. Samuel, for assistance to Clerk of Senate during the present session, ten dollars.

To James C. Coleman, for same, five dollars.

To James Davidson for postages on official correspondence to the fifth of January 1838, ten dollars.

To the Pastors and Deacons of the Baptist church, in Frankfort, for the use of their bell, two sessions, twenty dollars.

SEC. 5. *Be it further enacted*, That David B. Abernathy be allowed the sum of ten dollars, for services rendered the House of Representatives, as assistant Clerk.

Approved February 16, 1838.

CHAP. 940—AN ACT to incorporate the Society of the Adelphi Alpha, of Lexington.

Corporators;
name and style
—corporate
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That L. W. Seely, William R. Hervey, A. Barry, Peyton S. Johnson, and such others as may associate with them, shall be and are hereby constituted a body corporate and politic, to be known by the name of the society of Adelphi Alpha, of Lexington, and by that name shall have perpetual succession; and shall have power to make a common seal, and to alter, change and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of jurisdiction in this Commonwealth, having jurisdiction of like sums; and shall have power to take and hold, for literary purposes, by gift, grant, or devise, any estate, whether real, or personal, or mixt, not exceeding in value the sum of fifty thousand dollars: and said society, a majority of its regular members concurring, shall have power to sell, exchange and convey

said estate, or any part thereof, for the use and benefit of said society.

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SEC. 2. That the society of Adelphi Alpha shall have power to establish branches, at pleasure, under its constitution, in this Commonwealth, and that said branches shall be invested with all the powers enumerated in the first section of this act, as belonging to the parent society, except that they shall take and hold property only to such amount as may be granted to them by the special charter of the parent society, provided that the amount of property held by the said society of Adelphi Alpha, and its various branches, shall not exceed the sum of fifty thousand dollars.

May establish branches.

SEC. 3. That the society of Adelphi Alpha may elect, on the first Monday in March next, and at such other times thereafter as they may deem proper, a President, Vice President, Secretary, and such other officers as they may think fit to appoint and elect, who, upon their election, shall enter upon the discharge of such duties as shall be prescribed by the constitution and by-laws of the society. That the branches of this society shall, after receiving authority, by special charter, from the parent society, be organized by the election of a President, and Vice President, Secretary, and such other officers as may be required by the constitution of the society of Adelphi Alpha; and each branch shall adopt, and in all its proceedings to be governed by the rules prescribed by the said constitution. That the society of Adelphi Alpha, and its branches, shall have power and authority, each, for itself, to ordain and establish such by-laws, rules, and regulations, for their government, as they may deem proper and necessary, which are not inconsistent with the constitution and laws of this Commonwealth, and the constitution of the Adelphi. That neither the Adelphi Alpha, nor any of its branches, shall have power to amend, alter, or abolish, any article of the constitution of the Adelphi, which may be done only by the vote of the annual convention of the societies, which shall be held at Lexington on the fifth day of April in every year; in which convention all the regular members of the society of Adelphi Alpha shall be entitled to a seat, and members delegated from each of the branches.

May elect a President, and other officers.

Branches to elect President, &c.

May ordain and establish by-laws, &c.

How the constitution may be amended.

SEC. 4. That the society of Adelphi Beta, established at Centre College, Danville, by special charter of the Adelphi Alpha, shall have the benefit of this act, as a branch of said society.

Alpha Beta allowed benefit of this act.

SEC. 5. That the President, Vice President, Treasurer, and Secretary, of the society of Adelphi Alpha, for the time being, and their successors, shall take and hold the estate, goods and funds of the society, and, in law, shall be considered the corporators; and, in the corporate name, may sue and be sued, and in all suits against the corporation, service of process upon said President shall be considered good. That the same shall be the case with the branch established at Centre Col-

President, &c. to hold the estate, &c.

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lege, Danville, styled Alpha Beta, and with all branches thereafter established.

Books, &c.,
vested in Soci-
ety.

SEC. 6. That the title of all furniture, books, and other property, now belonging to the society of Adelphi Alpha, shall be as fully and completely vested in said society as if said property had been acquired after the passage of this act. That the same shall be the case with the Alpha Beta.

How property
of a branch
shall vest, on
its extinction.

SEC. 7. That at the extinction of any branch of this society, the title to the estate, real, personal, or mixt, of said branch, shall be vested in the annual convention of the Adelphi, who shall have power to use and sell the same, or otherwise appropriate said property, for the use and benefit of the Adelphi.

SEC. 8. That the power to establish branches shall be vested in the society of Adelphi Alpha, at Lexington, alone.

Approved February 16, 1838.

CHAP. 941—AN ACT to amend an act, entitled, an act to reduce into one the several acts, or parts of acts, concerning limitations of actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, no person shall be allowed any other or longer time within which to maintain a writ of right, or any other possessory action, upon the *seizin* or possession of his or her ancestor, or predecessor, than is allowed for maintaining a real action upon a person's own *seizin* or possession: Provided, that this act shall not take effect until the first day of October 1840.

Approved February 16, 1838.

CHAP. 942—AN ACT for the benefit of Godfrey Gregory.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Godfrey Gregory is hereby authorized to erect a mill dam, on the Little Beech Fork of Salt river, at or near the mouth of Hill Spring branch, provided that said dam shall not be of a greater highth than eight feet; and provided further, that the County Court of Washington county, a majority of all the Justices being present, shall consent thereto; and the said court shall have full power and authority, in like manner, to cause the same to be removed, whenever they shall think proper, upon the application of any person or persons making application thereto.

Approved February 16, 1838.

CHAP. 943—AN ACT to amend the Revenue Law.

1838.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the provisions of an act, entitled, an act requiring tavern keepers, pedlars of clocks, and the owners and keepers of covering horses and jacks, to pay taxes in advance, and obtain license, approved December 22, 1831, so far as they are applicable, be and they are hereby extended to the owners and keepers of bulls, who stand them for pay; and to all owners or agents of any managerie, circus, wax figures, shows, or theatrical performance, whatever; and the Clerk, granting any such license, is hereby required to give a minute discription of the person to whom such license is granted.

Bulls, shows, &c. to be taxed, and license obtained.

SEC. 2. And, instead of the sums now payable to the Clerks of this Commonwealth, as a tax on any such license granted to any person or persons engaged either as principal or agent, either as a pedlar, or as owner or keeper of a menagerie, circus, wax figures, show, exhibition, or theatrical performance, whatever, the following sums shall be paid, to-wit: each and every pedlar, whether acting as a principal or agent, shall pay the sum of fifty dollars, for a license for the State; each and every clock pedlar, whether acting as a principal or agent, the sum of twenty dollars, for a license for each county he may sell in; and for each menagerie, circus, show, wax figures, exhibition, or theatrical performance, ten dollars, for each county.

Taxes to be paid by Pedlars, &c., to be increased.

Approved February 16, 1838.

CHAP. 944—AN ACT to amend the Duelling Law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, in administering the oath to any officer of this Commonwealth, or attorneys at law, in reference to duelling, the time fixed shall be since the 18th February 1838.

Approved February 16, 1838.

CHAP. 945—AN ACT dispensing with Quarterly, and substituting Monthly statements, and providing for Monthly Balance Sheets to be lodged with the Secretary of State, by the Banks of the Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That instead of the complete quarterly memorandums, in alphabetical order, of all the debts of the Bank of Kentucky, as required by the 21st section of the charter, it shall be sufficient to make out monthly statements of notes discounted and bills of exchange held by the Bank on each customer, and which remains unpaid on the first day of

Monthly statements.

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each month, stating the number of notes of each customer in the first column, the amount thereof in the second; the number of notes as endorser in the third, the aggregate amount thereof in the fourth; the number of notes as discounters in the fifth, the aggregate amount thereof in the sixth; the number of bills of exchange as payer in the seventh, the aggregate amount thereof in the eighth; the number as endorser in the ninth, the aggregate amount thereof in the tenth; the number as discounters in the eleventh, the aggregate amount thereof in the twelfth, and the aggregate of the whole in the thirteenth; and the Principal Bank shall require of each Branch a similar monthly statement to be made out, and a copy forwarded for the use of the Principal Bank.

Monthly returns to be made to Secretary of State by the Bank of Kentucky.

SEC. 2. That the Bank of Kentucky shall cause the accounts of the Principal Bank and Branches to be made out at the end of each month, and shall return the same to the Secretary of State, as a part of the semi-annual return. They shall, also, make out a list of all the places within or without the State, at which they have purchased exchange during each month, and the rate of premium charged, and attach the same to their monthly balance sheet.

Customers to be classed.

SEC. 3. They shall, also, class their customers in discount line, and in the bill line, separately, from No. 1 to No. 12, at the close of each month, and attach the same to their monthly balance sheet.

Other Banks to make reports

SEC. 4. The Northern Bank of Kentucky and the Bank of Louisville, may avail themselves of the provisions of the first section. The Northern Bank of Kentucky, the Bank of Louisville, the Louisville Savings Institution, and the Mechanics' Savings Institution of Louisville, shall comply with the provisions of the second section, and make semi-annual returns to the Secretary of State, as required of the Bank of Kentucky; and hereafter, the Bank of Louisville need not make her returns to the Auditor of Public Accounts.

Notes of the Northern Bank receivable for state dues, and county levy.

SEC. 5. The Bank notes of the Northern Bank of Kentucky shall be receivable in all payments to the State, and on account of county levies, until otherwise directed by law, any thing in the forty first section of the charter to the contrary notwithstanding.

Charter of the Bank of Louisville amended.

SEC. 6. That, in order to place the Bank of Louisville in the same condition as the Bank of Kentucky, and Northern Bank of Kentucky, the fourth section of the charter of the Bank of Louisville shall be so amended as that said Bank shall only be liable for twelve per cent interest, by way of damages, for a failure to redeem its notes hereafter issued; and the deposits of the Bank, hereafter made in gold and silver when demanded; and the twenty sixth section of said Bank shall be so amended, that no *scire facias* shall be issued to forfeit the charter of said Bank, without the authority of the Legislature.

SEC. 7. That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, shall not be liable on deposits hereafter made, or notes hereafter issued or re-issued, or liabilities hereafter incurred for interest and damages, beyond interest and damages at the rate of six per cent per annum, until they shall respectively resume specie payments.

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Liabilities of the Banks hereafter.

SEC. 8. That said Banks may issue notes of a less denomination than five, and not less than one dollar, which shall not be issued or re-issued by said Banks at any time after six months from the time they shall respectively resume specie payments; and shall redeem the one dollar notes in gold or silver on demand; and the notes of a less denomination than five dollars, may be signed by the cashiers of the Banks.

May issue notes for less than \$5.

SEC. 9. That any owner of stock in the Bank of Louisville, to the number of fifteen shares, shall be eligible as a Director in said Bank.

Owner of 15 shares in Bank of Lou. eligible as a Director.

Approved February 16, 1838.

CHAP. 946—AN ACT further to regulate the Judicial Districts in this Commonwealth, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Nicholas shall be added to and compose part of the tenth Judicial District; and that the Circuit Court of said county shall commence on the fourth Mondays in April, July and October, in each year, and continue twelve juridical days, at each term thereof, if necessary; provided, that said court shall only continue six juridical days at the July term, when it interferes with the annual elections. That the County Court of Nicholas shall, hereafter, be held on the third Monday in each month. That the Circuit Court of the county of Bourbon shall, hereafter, commence on the second Mondays in May, August and November, in each year, and continue eighteen juridical days, at each term, if the business of said court shall require it. That the October Chancery term of the Madison Circuit Court be and the same is hereby abolished, and that the February Chancery term of the Madison Circuit Court shall, hereafter, commence on the last Monday in February, and continue six juridical days, if the business of said court shall require it. That the county of Carroll shall be added to and compose part of the fourth Judicial District; and the terms of the Circuit Court thereof shall, hereafter, commence on the first Mondays in the months of April, July and October, in each year, and continue six juridical days at each term, if necessary. That the county of Gallatin shall be added to and compose part of the second Judicial District, and the terms of the Circuit Court thereof shall, hereafter, commence on the fourth Mondays in March, June and September, in each year, and continue six juridical days at each term, if necessary: and all process heretofore

County of Nicholas added to the 10th district, and time of holding its courts.

County court of Nicholas.

Bourbon circuit court.

Chancery terms in Madison.

Carroll county added to 4th district, and its terms.

Gallatin added to 2nd district, and its terms.

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issued in any of said counties, and made returnable to the several courts in this act referred to, according to the existing laws, shall be returned to the courts in the several counties respectively as changed by this act; and all suits and prosecutions pending in any of said courts, shall be tried and determined, as though the process, on which said suits and prosecutions are founded, had regularly issued and been made returnable to the courts respectively as changed by the provisions of this act, any law to the contrary notwithstanding.

Approved February 16, 1838.

CHAP. 947—AN ACT to increase the powers of the County Court of Christian County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Christian shall have full power, and are hereby authorized, to grant to such person or persons as they may think proper, a licence to keep a coffee house in the town of Hopkinsville, provided their number shall not exceed what, in the opinion of the County Court, or a majority of them, may think the public convenience requires.

SEC. 2. That said County Court shall charge for all such licence a sum not less than ten dollars, nor more than one hundred dollars per annum; and the person or persons, so licenced, shall have full power and privilege of selling, at their respective stands, all kinds of spirituous liquors, either by wholesale or retail, provided that if any person or persons, so licenced, shall, in the opinion of the County Court, keep a disorderly house, thereby endangering the peace and quiet of the orderly citizens of said town, the amount paid to the said County Court shall be forfeited, and the privileges enjoyed under such licence shall cease to exist.

SEC. 3. And it shall be the duty of the said County Court to appropriate all the moneys arising from the exercise of the powers herein granted, to such purposes and objects as a majority of them may think most conducive to the interest of the town and county of Christian.

Approved February 16, 1838.

CHAP. 948—AN ACT to authorize the Board of Internal Improvement to erect a Bridge across the Rolling Fork of Salt River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement shall be and they are hereby authorized to cause a bridge to be erected across the Rolling Fork of Salt river, where the turnpike road from Muldrow's Hill, in a direction to Lexington,

strikes the same; and the said Board are hereby authorized to put the said work under contract this present year, provided that they shall believe it to be of sufficient public importance and utility; and pay for the same out of any moneys in the Treasury set apart for Internal Improvement, not otherwise appropriated.

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Approved February 16, 1838.

CHAP. 949—AN ACT for the benefit of the estate of Joseph Spencer, dec'd.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the executor or administrator of Joseph Spencer, deceased, is authorized to file a petition or bill, in the Marion Circuit Court, making the heirs of said decedent defendants thereto, and setting forth the condition of the estate, the amount of debts against said estate that are yet unpaid, and that the personal estate is exhausted, and praying for the sale of certain lots in the town of Shelbyville, and all the landed property in the county of Marion belonging to the estate of said Spencer, for the purpose of the payment of said debts.

SEC. 2. That whenever it shall appear to said court that the heirs of said Spencer have been duly served with process, or having filed their answer, by themselves, if of age, or by their guardian ad litem, if under age, and that the personal estate has been exhausted, and that debts yet remain unpaid, and that it will be of benefit to the heirs, may render a decree directing the sale of any or all of said town lots, on such credit and in such manner as shall seem most advisable to said court, and appoint a Commissioner to carry into effect said decree; and said Court may require said executor or administrator to give bond and security, for the faithful administration of the proceeds of said sale, and the payment of the surplus, if any, to the heirs; and the said court may direct such title to be made to the purchaser of said estate, at such times and in such manner, as shall seem best: provided, however, that nothing in this act shall be so construed as to prevent said court from rendering a decree therein, at the first term of said court, if it shall appear advisable, necessary or expedient to do so.

Approved February 16, 1838.

CHAP. 950—AN ACT for the benefit of the heirs and widow of Samuel Gatton, deceased.

WHEREAS, it is represented that Samuel Gatton, late of the county of Spencer, died intestate, leaving Mary Gatton, his widow, John Gatton, Gustavus Gatton, Henry Gatton, Thos. Gatton, Benjamin Gatton, Elizabeth Reasor, who intermar-

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ried with William H. Reasor, Susan Self, who intermarried with Green Self, Emeline Clarke, who intermarried with Obediah E. Clarke, all of whom are twenty one years of age, also, Julian Gatton, Maria Gatton, and Samuel Gatton, who are infants under the age of twenty one years, his children and heirs, and that he was possessed of a tract of land containing about two hundred and seventy acres; that the said tract of land is not susceptible of a division to the advantage and profit of said heirs, after taking off the widow's dower; and that it would redound greatly to the advantage of the said widow and heirs of Samuel Gatton, deceased, if the said tract of land could be sold, and the proceeds of the sale, so far as the heirs are entitled to the same, be divided among them, and that portion which would be coming to the widow vested in other land, during her natural life, and at her death to descend to the heirs of the said Samuel Gatton—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Mary Gatton, widow of Samuel Gatton, deceased, John Gatton, Gustavus Gatton, Henry Gatton, Thomas Gatton, Benj. Gatton, Elizabeth Reasor and William Reasor, Susan Self and Green Self, Emeline Clarke and Obediah Clarke, to file their petition in the Court of Chancery for Spencer county, praying said court to decree a sale of the tract of land of about two hundred and seventy acres.

SEC. 2. That it shall be lawful for the Court of Chancery, for Spencer county, when said petition is filed, and the infant heirs of said Samuel Gatton, deceased, made defendants thereto, and chancery process duly and regularly served upon them, and their answer, by a guardian or guardians ad litem, regularly filed to said petition, and all the facts of the case are before the court, to decree the said tract of land to be sold, if by the court it should be thought most advisable to do so; and if the said court shall decree a sale of the said tract of land, it shall appoint a Commissioner to carry its decree into effect.

SEC. 3. That if the said Mary Gatton, widow of Samuel Gatton, deceased, shall file a release of her dower in the tract of land before mentioned, the said court shall have the power to decree to her not exceeding one third of the purchase money, in lieu of her dower aforesaid; and said court shall, also, decree such title to be made by said Commissioner to the purchaser or purchasers of said land, and at such time as it may deem proper.

SEC. 4. That Mary Gatton, widow as aforesaid, shall, upon receiving her portion of the purchase money in lieu of her dower, execute, in the Spencer Circuit Court, a bond, in the penalty of five thousand dollars, with good and sufficient security, to be approved of by said court, that she will, herself, or by her agent, vest said money in land well selected in either of the States of Kentucky, Illinois, or Missouri, which lands;

when so purchased, by herself or agent, shall be for her benefit and to her use, during her natural life, and at her death to descend to the heirs of the said Samuel Gatton, deceased, and the deed or deeds to said land, when purchased, so to be drawn.

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Approved February 16, 1838.

CHAP. 951—AN ACT concerning taxes collected by Clerks of Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerks of Courts shall, on or before the first day of December, annually, account for and pay into the Public Treasury all taxes by them collected, and in default thereof, said Clerks and their securities, shall be subject to judgments in the General Court at the January term following, by motion, in like manner as Sheriffs for a failure to pay revenue tax into the Public Treasury.

Approved February 16, 1838.

CHAP. 952—AN ACT concerning the County levy in Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Fayette, or other Collector of levies in said county, shall be allowed further time until the first day of December, in each year, to pay to the several creditors thereof their respective claims against said county, instead of the first day of October, in each year, as provided for by the laws now in force.

Approved February 16, 1838.

CHAP. 953—AN ACT for the benefit of Knott and Douglas, late Contractors on Muldrow's Hill Turnpike.

WHEREAS, by the provisions of an act approved 9th Feb. 1836, entitled, an act to authorize the Board of Internal Improvement to have the turnpike on Muldrow's Hill examined by an Engineer, and a report thereon of his opinion of the value of said road, and for other purposes, among other things, it was provided that said Engineer, when said work is completed, shall furnish to said Board a fair and accurate estimate of the value of said work, and if the estimate shall exceed the amount for which the work was contracted to be performed, &c. and to allow to the Contractors, upon certain conditions, a fair equivalent for the work: and, whereas, the said Board did cause an estimate to be made, and according to that estimate did pay to the Contractors, Knott and Douglas, such additional sum over the contract price as said estimate showed

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to be right; and, whereas, it is represented that the said Engineer, in making said estimate, made a mistake in admeasurement of the quantity of rock excavated, by which injustice was done the Contractors: and, whereas, justice demands that they shall be paid for the full quantity of work actually done, at the prices fixed by the estimate, made by the Engineer under the provisions of the act aforesaid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Chief Engineer, or Samuel Fitch, at such time as shall be convenient, upon the request and at the costs of said Knott and Douglas, to re-survey the quantity of rock excavated on said turnpike, and report the number of cubic yards to the Board of Internal Improvement; and if it shall appear that there was a mistake in the quantity estimated, the said Board shall pay to said Knott and Douglas the value of the same, according to the prices fixed by the estimate last made and reported by the Engineer under the provisions of said act: *Provided, however,* in making said estimate, the Engineer shall make the estimate of excavation, and the calculation thereon, according to the customary rules where said rock is used upon the road, and shall make the proper deductions therefor.

Approved February 16, 1838.

CHAP. 954—AN ACT for the benefit of Mark Whitaker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mark Whitaker and his former wife, Elizabeth Whitaker, be and the same is hereby dissolved, so far as relates to the said Mark Whitaker, his wife having heretofore been divorced by the Kentucky Legislature.

Approved February 16, 1838.

CHAP. 955—AN ACT authorizing permanent provision for resident females, in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

Stocks may
be vested for
the sole use of
females.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for any person who may desire to make an annual provision for a resident female friend, relative, or connection, in such manner that the provision will be for the exclusive use of the female, and not transferrable, nor liable to vest in the husband, nor be subject to his debts, to transfer, or cause to be transferred, to such female, stock in any of the Banks, or other corporations created by this Commonwealth, and have it expressed on the face of the certificate of stock, and on the transfer-book of the Bank or corporation, that such stock is for the exclusive use

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of such female, and as annual provision for her support. And no such stock shall be transferrable during the life of the female, nor liable to the debts contracted by her, nor shall it vest in her husband, nor be liable to his debts, nor shall he be entitled to it as her administrator, but it shall pass to the same persons who would take her real estate as heirs at law: provided, that if she be a *feme sole*, she may dispose of it by last will and testament, and if a *feme covert*, may devise it, with the consent of her husband.

Sec. 2. That the dividends, from time to time, as declared, shall be paid over to the female, and shall not be paid on any power of attorney, executed before the same is declared, nor in which there is not express authority to draw the same; and the receipt of the female, whether married or sole, shall be an acquittance for the dividend; and she shall also, whether married or sole, have authority to execute a power of attorney to draw the same; and *feme coverts* shall have the right to take such stock without the consent of their husbands.

Dividends to be paid to the females.

Sec. 3. That it shall be lawful for any person, by last will and testament, to devise stock in any of the Banks, or other corporations created by this Commonwealth, to any female friend, relative, or connection, who is a resident of the State, for her exclusive use, or to direct such stock to be purchased for her exclusive use: and such stock shall be transferred or purchased and transferred by the executor or administrator, with the will annexed, to such female, in the same manner as directed in the first section and with all the consequences: Provided, that when the testator shall so direct, the stock, after the death of the female, or the expiration of the time of the provision is made for, shall go to such person, and in such manner, as the will shall declare.

Stocks may be devised for the exclusive use of females.

Proviso.

Sec. 4. That it shall be lawful to have the stock, from which the annual provision aforesaid is to arise, transferred to a Trustee, for the exclusive use of the female for life, or years, and to direct, in the deed of trust, to whom the same shall go after her death, or after the expiration of the term of years for which it is given, and also to whom the dividends shall be paid for her use.

May be transferred to a trustee.

Sec. 5. That when the charter of such corporation shall expire, or be otherwise terminated, the stock so held in the corporation, shall be invested in other Kentucky stocks, in the same way and to the same use; and when the charter shall be extended, the stock shall be continued in the corporation, in the same way and to the same use; and the female, or any friend in her name, may file a bill in chancery to enforce this provision, and the corporation may file a bill to enforce it, and the officers of the corporation shall not be discharged until the stock is so invested.

When the charter of the corporation expires the stock shall be vested in other stock.

Sec. 6. That it shall be lawful for the guardians of resident wards to invest the money belonging to their wards in the stock of the Bank of Kentucky, Northern Bank of Kentucky,

Money of wards vested by guardians.

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or Bank of Louisville, in their own names, in trust for their wards.

Limitation.

SEC. 7. That the limitation of the use of the stocks, authorized to be made by this act, shall not extend beyond a life, or lives in being, and twenty one years thereafter.

Approved February 16, 1838. -

CHAP. 956—AN ACT concerning the State Library.

Books to be numbered.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Librarian, as soon as practicable, after the end of the present session, to arrange all the books, constituting a part of the State Library, agreeably to the provisions of this act, and number each volume commencing with number one and progressing upward, until all are numbered, by writing the number in figures on the inside of the front lid, and also on the back thereof. That in numbering the volumes, all the full sets of any particular book shall be numbered in succession, and then the broken sets, in like manner, except that the numbers corresponding with the missing volumes shall be skipped, so as to leave room for numbering them as they shall be returned to the Library, when they shall have their proper numbers affixed as aforesaid.

Books which shall constitute a part of the library.

SEC. 2. That the following books shall constitute a part of the State Library, to-wit: all the books now on hand, of which there is not exceeding four sets, except the following, of which there shall be the number of sets annexed, viz: Morehead and Brown's Digest, fifty sets; Pirtle's Digest, ten sets; Journals of the two houses of Congress, five sets each; Journals of the State Legislature, each, twenty five sets; Laws of Congress, now on hand or hereafter received, twelve sets; Session Acts of the State Legislature, now on hand or hereafter published, fifty sets; Reports of the Decisions of the Court of Appeals, ten sets. And the Trustees of the Library are hereby

Surplus volumes to be sold or exchanged.

vested with authority to sell or exchange all the surplus volumes or sets that shall remain, after setting apart for the Library the number of complete sets as herein provided; and the proceeds of such sale shall be a fund in the hands of the Judges of the Court of Appeals to buy new books. And hereafter, fifty copies of the Acts of Assembly, and twenty five sets of the Journals of the two Houses, shall be annually printed for the use of the Library, over and above the usual number for distribution: Provided, however, that the Trustees, before making any sale of books, shall set apart a competent number of sets of such books as are, by law, directed to be distributed; and the books, so set apart for distribution, shall not constitute a part of the State Library, but shall be safely preserved, by the Librarian, till they are distributed according to law.

Proviso.

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SEC. 3. That it shall be the duty of the Librarian to procure a book, in folio form, and suitably ruled for entering books taken from the Library, by persons authorized to have the use of the public books, in which he shall charge all books procured from the Library, with the date on which they are obtained, and shall note when they are returned. And the entries on said book shall be *prima facie* evidence against the party charged with any book; and the Librarian shall be a competent witness in relation to any entries on said book.

Persons who use the books to be charged with them.

SEC. 4. That the members of the Legislature, and Clerks of the two Houses shall be authorized to keep the number of volumes to which they are entitled: members, until within three days of the close of the session, and clerks, till three days after the session; and if members shall not return to the Librarian the books by them respectively procured, on or before the fourth day preceding the day fixed upon for adjournment, it shall be the duty of the Librarian to certify to the Treasurer what books have not been returned by the several Senators and Representatives; or if the Clerks shall not return the books by them procured, within three days after the session closes, the Librarian shall, in like manner, certify the same, together with the value of said books; and it shall be the duty of the Treasurer to retain so much of the pay of the Senators, or Representatives, or Clerks, so failing to return any books, as shall be equal to their value: Provided, that if said books shall afterwards be returned to the Librarian, it shall be his duty to certify that fact, and the Treasurer shall, thereupon, pay the balance due to such Senator, Representative, or Clerk—retaining only so much as will be equal to the deficiency in the books returned. And the Clerks of the two Houses shall have the privilege of taking as many books from the library, as they may have occasion for, in their official capacities: Provided, that they shall not be responsible, for such books as they shall respectively make a requisition for, to be deposited in the chambers of their respective Houses, for the use of committees, or of the Senate and House of Representatives, while in session; or of such books as may be deposited in either chamber, by order or resolution of the respective Houses. And it shall be the duty of the Librarian to charge all books procured from the Library, for the purposes aforesaid, to the respective chambers for whose use they were procured, and that at the end of the session shall collect said books and return them to the Library. And if any cannot be found, he shall report, specially, in his annual report, what books procured as aforesaid, for the use of the two Houses, have been lost.

If members of the Legislature and Clerks fail to return books, the value is to be deducted from their pay.

SEC. 5. That the Judges of the Court of Appeals, of the General Court, and Franklin Circuit Court, and their respective Clerks, shall have a right to take from the public Library such law books as they may have use for, in term time, in the performance of their official duties, and to keep them till the

Who else to use the books; and proceedings when they fail to return them.

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adjournment of the court, when it shall be their duty to cause said books to be returned; and on failure to do so, it shall be the duty of the Librarian to certify to the Treasurer what books have not been returned, by any Judge or Judges who shall have obtained said books, or upon whose written order they shall have been delivered, and the value thereof; and the Treasurer shall deduct the amount thereof out of the next quarter's salary of the Judge or Judges so failing. And if the Clerk or Clerks of any of said courts shall fail to return any books obtained by them, at the expiration of the term at which they were procured, it shall be the duty of the Librarian to commence a suit, in the name of the Commonwealth, for the books not returned, before any court or Justice of the Peace having jurisdiction of the like sums. . And in all cases where one or more volumes of a set are lost, or omitted to be returned, the party failing shall be chargeable with the entire set, and when charged with the whole set, he shall be entitled to the remaining volumes of the set.

Duty of the
Treasurer.

SEC. 6. It shall be the duty of the Treasurer to retain twenty dollars out of the pay of each Senator and Representative, who shall desire to draw his pay before the third day preceding the adjournment, unless he shall produce a certificate from the Librarian, that such Senator or Representative has returned all the books received by him from the Library, or that he has had no books therefrom. And if the Librarian shall certify that the books not returned, and which ought to be paid for, according to the provisions of this act, is of less amount than twenty dollars, then the Treasurer shall retain only the amount certified, but shall pay the sum retained when all the books shall have been returned.

Report to the
Legislature.

SEC. 7. The Treasurer shall state, in his annual report, how much money he has retained in his hands for books not returned. And the Librarian shall also set forth, in his annual report, how many volumes have not been returned; what part thereof has been paid for, by retaining the money in the hands of the Treasurer; what part has been paid to him, and what part is in suit.

Money in the
hands of treasurer
applied to
the purchase of
books.

SEC. 8. The Judges of the Court of Appeals shall, from time to time, make a requisition upon the Auditor for a warrant for the amount in the hands of the Treasurer, who shall, thereupon, issue a warrant for the same; and the amount received on such warrant, together with the sum which shall have been received by the Librarian, shall be applied to the purchase of new books, in the same manner as if it were a part of the annual appropriation for the use of the Library.

Catalogue to
be made.

SEC. 9. When the Librarian shall have arranged and numbered all the books, according to the provisions of this act, he shall make out a complete catalogue of said books, with their numbers, in a well bound book, to be safely kept in the Library room for inspection; and all new books, purchased or acquired, not exceeding the number of sets as provided in the

second section of this act, shall be numbered in progression, and entered on said catalogue.

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SEC. 10. The Librarian shall cause to be printed on twenty of the Maps of Kentucky, in some conspicuous place, "State Library," and shall list them on the catalogue aforesaid, and they shall constitute a part of the Library. And the Trustees shall have power to sell the remainder of said maps, or exchange a part of them for maps of other States.

Maps of
Kentucky.

SEC. 11. So much of the act, approved 25th January, 1833, as appropriates the sum of five hundred dollars per annum, for the term of five years, for the gradual increase of the Library, to be laid out and expended for law books and other valuable books shall be and is hereby extended for the term of five years from the expiration thereof.

Appropriation.

SEC. 12. The University, and each of the Colleges of this State, shall be entitled, annually, to one copy of the Acts of Assembly, and one copy of the Journals of each House; and the person or persons who shall, hereafter, distribute the Acts and Journals, shall deliver said books to the Librarian, President, or one of the professors of said Colleges or University. It shall be the duty of the Public Printer to print so many additional copies of the Acts and Journals as the provisions of this act may render necessary.

Universities
and Colleges
entitled to one
copy of the acts
and journals.

Approved February 16, 1838.

CHAP. 957—AN ACT to establish the town of Delphi, on the Mississippi river, at the mouth of Mayfield creek.

WHEREAS, it has been represented to this General Assembly, that Henry Hamilton, Hiram Pratt, William S. Hatch, and William F. Langdon, are the proprietors of five hundred acres of land, on the Mississippi river, at the mouth of Mayfield creek in the county of McCracken, and they, the said proprietors, having caused a survey of said land to be made into lots, streets, and alleys, and they, the said proprietors, being anxious to have a town established on said land—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said five hundred acres of land, on the Mississippi river, at the mouth of Mayfield creek, on the upper side thereof, as surveyed and laid out by the said proprietors, and William H. Cowling, be and the same is hereby established as a town, which is hereafter to be known and called Delphi.

Town estab-
lished.

SEC. 2. That the said five hundred acres of land, as laid out and surveyed into lots, streets, commons and alleys, by the said proprietors, and said Cowling, be and the same is hereby authorized to be vested, by deed of conveyance, in David Weaver, E. Hotchkiss, Thomas Gay, William H. Cowling, A. W. Naylor, and their successors, who are to be known

Lots to be
deeded to trust-
ees.

The trustees.

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Treasurer and
Clerk.

and styled as the Trustees of the town of Delphi, and to continue in office from the 10th day of March 1838, until the 10th day of March 1840, or until their successors are duly elected and qualified. The said Trustees shall have power to elect a Clerk and Treasurer, whose duties it shall be to keep a true and faithful record of all the acts and doings of the said Trustees, and account for all the moneys entrusted to their care, and account for the same whenever called on by said Trustees.

Trustees au-
thorized to sell
lots, &c.

SEC. 3. The said Trustees, their successors in office, or a majority of them, shall have power to sell and dispose of, at public auction, all or any part of the inlots or outlots in said town, as designated in the map or plan of said town, made by the said Cowling, at such times and upon such credits as the said proprietors may hereafter direct; and the said Trustees, their successors, or a majority of them, shall have power to make, or cause to be made, to the purchaser or purchasers of any lot, or parts of lot or lots, in the said town a deed in writing, in fee simple, for any lot or lots by them sold as aforesaid, whenever, and at such times, as the purchaser or purchasers produce to their Clerk an order or receipt that the purchase money therefor has been paid to the said proprietors. The said Trustees, and their successors, shall have power to make all by-laws and regulations for the internal police and government of said town, not inconsistent with the laws of this Commonwealth; they shall have power to settle all disputes of or concerning the boundaries of the lots, streets, or alleys, of said town. A majority of said Trustees shall be deemed a quorum to transact any business of or concerning said town; and should any vacancy occur in said board by death, resignation, or otherwise, the remainder of said Trustees, in office, shall have power to fill such vacancy. The said Trustees, before they enter on the duties of their office, shall make oath before some Justice of the Peace that they will faithfully and impartially, to the best of their skill and judgment, discharge the duties of a Trustee of said town.

Bye-laws.

Vacancies—
how filled.Election of
Trustees.

SEC. 4. That it shall be lawful for the free white male inhabitants of said town, on the first Monday in March 1840, and on the same day in every year thereafter, to vote for five citizens of said town as Trustees; and the five citizens thus elected, after having been duly qualified as Trustees, shall be entitled to all the immunities and privileges of Trustees in other towns in this Commonwealth, and shall be vested with all powers hereby vested in the said Trustees of the said town of Delphi.

Deed and
plan of town to
be recorded.

SEC. 5. That it shall be lawful for the said Trustees, hereby appointed for said town, to cause the deed of conveyance to them, and the said plan or map of said town, to be recorded by their Clerk in a book to be kept for that purpose; and the said trustees, after first certifying, under their hand and private seal, the said map or plan of said town, to be the true and faithful map of said town shall, within ninety days from

the passage of this act, cause the same, with the deed of conveyance to them, to be recorded in the Clerk's office of the County Court of McCracken.

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SEC. 6. That nothing in this act shall be so construed as to affect the right or claim of any person or persons to the said five hundred acres of land, or any part thereof; but any person or persons establishing his, her or their right or claim to the same, shall have full power to sue for and recover the whole or any of said lots: and before any lot or lots in said town shall be sold, by the said Trustees of the said town, the said proprietors shall enter into bond, with sufficient security, in the penal sum of fifty thousand dollars, payable to the Commonwealth of Kentucky, in the County Court of McCracken county, which said bond shall be conditioned to repay the price or purchase money of said lots, with legal interest, to any person or persons who may be entitled to receive the same, in case the title of the proprietors shall prove defective to said five hundred acres of land, or any part thereof; and the said bond may, hereafter, at any time, be put in suit by any person who may hereafter be entitled to all or any part of said money.

Rights of others to the land not to be affected.

Proprietors to give bond and security.

Approved February 16, 1838.

CHAP. 958—AN ACT for the benefit of the widow and heirs of William Willis, deceased.

WHEREAS, it is represented to the present General Assembly, that the widow and adult heirs of William Willis, late of Adair county, Kentucky, have united in a sale to John Massie of a tract of about five hundred acres of land, lying in said county of Adair, to one John Massie, being the same tract assigned to the widow for her dower in the lands of her deceased husband; and have, also, contracted and sold the interest of those of the heirs of said William Willis, who were under age, which sale the widow, adult heirs, and the guardian and next friend of the infants, represent to be an advantageous one to all concerned, and desire that it may be confirmed, and a safe title made to the purchaser—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the widow of William Willis, late of Adair county, Kentucky, in conjunction with the heirs of said William, who are adults, and the guardian or next friend of such as may be minors, to file their petition in the Adair Circuit Court, setting forth the fact of the sale to John Massie of the before named tract of land in Adair county, and the price and circumstances which rendered it expedient, in their opinion, to make said sale; and said Circuit Court may, on the facts stated in said petition, or on those facts in connection with such other proof as may be

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produced, decree a confirmation of the said sale, and appoint a Commissioner to convey on the part of such as are infants, in conjunction with the adult heirs of said William Willis, deceased, or who may convey for infants and adults as may be deemed most expedient by said court.

SEC. 2. That it shall and may be lawful for said Adair Circuit Court, to decree a sale of two tracts or parcels of land belonging to the heirs of said William Willis, situate in the county of Union, and State of Kentucky, and one town lot in the town of Columbia, Kentucky, on the joint petition of said heirs, by themselves or guardian or next friend, to said court, praying such sale; and that the proceeds thereof be distributed, by said court, according to the legal rights of the heirs of said William Willis.

SEC. 3. That upon the filing of the petition named in the first section, hereof, in relation to the sale to John Massie, it shall be lawful for said widow of William Willis, to make her election to hold and retain the whole of the price for which said land was sold, during her life, or to have the value of her dower interest therein ascertained by the court; and in case she shall elect to retain the whole price for which said sale was made, during her life, said Adair Circuit Court shall, before confirming said sale and directing a conveyance on the part of the heirs, require the widow to execute and acknowledge bond, in a penalty of at least double the amount of price for which said sale was made, to Massie, with condition to pay to the heirs of William Willis, deceased, respectively, their lawful proportions of the price of said land, according to the statute of distributions, and shall secure the same, by mortgage on real estate, to the satisfaction of the court; and in case said widow shall elect to receive, absolutely, the value of her dower, to be ascertained as herein provided, said Circuit Court shall direct that it be paid to her as it may fall due and be received, and shall, previously to the portions that may belong to any of the infants being paid to their guardians or next friend, require of such guardian or next friend a bond, with good and sufficient security, to pay the same over, with such interest as it may produce, to the said infants, respectively, on their arriving at full age.

Approved February 16, 1838.

CHAP. 959—AN ACT for the benefit of the Public Schools of Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Seminary lands of Campbell county, and all lands which have or may escheat to the Commonwealth in said county shall vest in the school Commissioners of Campbell county, as soon as said Commissioners shall be appointed,

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and the county laid off into school districts; and they shall sell and convey the said seminary lands, on a credit of one and two years, and at a price not less than one dollar per acre, and, when recovered, distribute the amount amongst the several school districts in said county, in proportion to the number of children in each district, between the ages of seven and seventeen; and they may sue for the escheated lands in Campbell county, in the name of the Commonwealth of Kentucky, either at law or in equity, as the case may be, and, when recovered, may sell and convey said lands at reasonable and fair credits, and distribute the proceeds among the several school districts in Campbell county, in like manner; and the proceeds of all the lands aforesaid, as they arise, shall be a fund for the erection of school houses and the purchases of suitable libraries and apparatus for the several schools; and from and after the passage of this act, the Trustees of the Campbell county Seminary shall have no power or authority to sell or lease said lands: *Provided*, that the school Commissioners of Campbell county shall, before selling of the lands authorized to be sold under this act, enter into bond, with good security, payable to the Commonwealth, in such penalty as the County Court of Campbell county shall direct, conditioned further fully to apply the proceeds of this act as herein authorized.

Approved February 16, 1838.

CHAP 960—AN ACT to alter the mode of selecting Petit Jurors.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of selecting Petit Jurors, the Circuit Courts shall, at their several terms, appoint three Commissioners, who, at the term when appointed, shall select one hundred persons, free from all legal exceptions, of fair character, of approved integrity, of sound judgment, and well informed, to serve as Petit Jurors, and write their names on several and distinct pieces of paper, and shall roll up, or fold, such pieces of paper, each in the same manner, as near as may be, and so as to resemble each other as much as possible, and so that the name written thereon shall not be visible, and deposit the same in a sufficient box; and said Commissioners shall shake said box so as to mix the slips of paper, on which such names were written, as much as possible, and then draw out of the box, one by one, the whole of the slips of paper containing said names; and they shall keep a minute of the drawing, in which shall be entered the name contained on every slip of paper, so drawn, before any other such slip of paper shall be drawn; and a list of the names of the persons so drawn, in the order in which they were drawn, shall be made and certified by said Commissioners, under their proper hands—which certificate they shall

The mode of selection.

Duties of the Commissioners.

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Duties and
oath of clerks.

fold up and enclose in a paper envelope, duly sealed, with their names thereon endorsed across the seals, so that the contents of said certificate may not be known without breaking the seals; and said Commissioners shall, in open court, deliver said certificate, so enveloped, to the presiding Judge, who shall hand it to the Clerk of the court forthwith, and swear him not to open said envelope, except at the time prescribed in this act, and when opened not to divulge to any person the names of any of the Jurors summoned, until after such Juror is summoned and in attendance, or discharged as a Juror, or until after the expiration of the next term, except in delivering panels of Petit Jurors to the Sheriff, as hereinafter provided for; and not directly or indirectly converse or communicate with any of said Jurors, unless under the direction of the court, touching or concerning the merits or subject matter of any suit, pending for jury trial in said court, at the next term of the court—which oath the court shall, at the same time, also, administer to the deputies of said Clerk; and if, between that time and the next term of said court, said Clerk should employ any other additional deputy, or deputies, it shall be his duty to administer said oath to him, or them, in the Clerk's office, and preserve among the records of the court a certificate thereof.

Jurors selected to be summoned.

SEC. 2. That within thirty days of the next term, and not before, the Clerk shall open said envelope and make out a list of the first twenty four persons named as Jurors in said certificate of the Commissioners, and forthwith deliver said list to the Sheriff of the county, who shall, at least three days previously to the said term, summon said persons to attend as Petit Jurors, by giving personal notice to each Juror, or by the said Sheriff, in person, or by one of his deputies, leaving a written notice at said Juror's place of residence, with any free white person, above the age of sixteen years, who shall be a member of said Juror's family, and be informed of the purport of such notice; and said Sheriff shall return said list to the court, at the opening thereof, specifying those who were summoned, and the manner in which each Juror was notified: but the Clerk shall not include in said list the name of any person who, to the knowledge of said Clerk, has, since the drawing of said Jurors, died, become insane, or permanently removed from the county; and if any of the Jurors summoned, or notified, at any time before the term, shall, without reasonable cause, neglect to attend, he shall pay a fine of twenty five dollars: but if it shall appear, by such return, that any defaulting Juror was notified, by leaving a written notice at his place of residence, he may discharge the contempt by swearing that he had not known or heard of such notification at any time before the commencement of said term.

SEC. 3. That said Commissioners shall be exempt from serving as Petit Jurors until after the expiration of the three next

regular terms of said court; nor shall they be competent again to act as Commissioners, during said period; and no person shall be appointed Commissioner who, at the time, shall be a party to any suit depending in said court, which may require the intervention of a Jury, or who is not qualified or bound to serve as a Petit Juror: but before said Commissioners proceed to act, they shall be sworn faithfully to discharge the duties imposed upon them by this act, and not divulge the name of any Juror who may be returned by them in their certificate, until after the expiration of the next term of said court, or until said Juror shall be in attendance or discharged as a Juror; and that they will not, directly or indirectly, converse or communicate with any Petit Juror, touching or concerning the merits or subject matter of any suit, pending and to be tried in said court, until after the expiration of said term, or the trial or continuance of said suit at said term, or discharge of said Jurors.

SEC. 4. That said Commissioners shall not select, as Petit Jurors, any person who shall, at the time, be exempt from jury service, or not qualified as Petit Jurors, by the laws now in force; and the Clerk shall furnish said Commissioners the names of such persons as, by reason of previous service as Petit Jurors or Jury Commissioners, are then exempt from jury service; nor shall said Commissioners select as Petit Jurors any person who shall, at that term, serve as a Grand Juror; nor shall any person be selected as a Petit Juror, without the concurrence of the whole of said Commissioners.

SEC. 5. That when more than one panel of twenty four Petit Jurors shall be required, at any term, as contemplated by the fifth section of the act, entitled, an act supplemental to an act, providing for the compensation of Jurors, the court shall, from time to time, require an additional panel to be made out from the certificate of said Commissioners, taking their names in the order in which they are entered on said certificate—which subsequent panel shall be delivered to the Sheriff, who shall summon them forthwith.

SEC. 6. That if any person shall be appointed a Jury Commissioner, and fail or refuse, without any reasonable excuse, to attend the court as Commissioner, when duly summoned, he shall be fined twenty five dollars.

SEC. 7. That Petit Jurors shall be summoned to attend at the next terms of said courts, agreeably to the laws now in force; and if, from any cause whatever, they should not thereafter, at any term of said courts be selected and drawn, in the manner prescribed by this act, they shall be summoned for the next term, as provided for by said laws.

SEC. 8. That where more than two panels of Petit Jurors may, in the opinion of the court, be necessary at the same term, as contemplated in the fifth section of this act, the court may require the Jury Commissioners to select as many more Jurors, not exceeding two hundred, as the court may think

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Commissioners, their exemption, qualifications, and oath.

Persons to be selected.

Additional panel.

Fine for failing to serve as Commissioner.

Juries summoned to attend the next courts.

The number of Jurors to be selected.

1838.

proper, the whole of whom shall be drawn in like manner as if only one hundred Jurors had been selected; and if, from the limited population in any county, the court shall believe that a less number than one hundred ought to be selected, the court may limit the number to less than one hundred: provided, said limit shall not fall below fifty, all of whom shall be drawn as in case the whole number amounted to one hundred.

Oath of sheriff.

SEC. 9. That instead of the oath required to be taken by Sheriffs and deputy Sheriffs, by the second section of the act, entitled, an act to change the present mode of summoning Jurors in this Commonwealth, and to provide for their compensation, Sheriffs and their deputies shall severally take the following oath, in the court of the county for which he is Sheriff: "I do solemnly swear that I will, without favor or affection, or desire to favor or injure the rights of any litigant, summon Jurors in and for the county of —; and that I will, to the best of my judgment and skill, select discreet, impartial, and sober men; and that I will not, directly, or indirectly, converse, or communicate, with any Juror, unless under the direction of the court, touching or concerning the merits, or subject matter, of any suit pending, and to be tried in the said county of —; nor will I communicate to any person, except to the Clerk of the court, the name of any Juror I may summon to attend the Circuit Court, or the name of any Juror I may be required to summon, under the provisions of the act, entitled, an act to alter the mode of selecting Petit Jurors."

Juries to be selected in different parts of counties.

Commissioners, when organized, to be kept together.

SEC. 10. That the said Commissioners shall take the Jurors from the different sections of the county, so far as is consistent with a judicious selection; and said Commissioners, when organized, by being sworn, as herein directed, shall retire to a jury room, and not depart therefrom without leave of the court: but they shall be kept together until they discharge the duties imposed on them by this act, in the same manner as Petit Jurors, after their retirement from the bar to consult of their verdict.

Penalty on clerk & sheriff.

SEC. 11. That if any Clerk or Sheriff shall fail, without a reasonable excuse, to perform any duty, by this act enjoined on him, the court shall impose a fine of twenty five dollars on him for each failure.

Bystanders summoned as heretofore.

SEC. 12. That in case, from challenges or absence, the panels of regular Jurors shall be exhausted, it shall be lawful for the Sheriff to supply the requisite number of Jurors from qualified by-standers, as heretofore.

Approved February 16, 1838.

CHAP. 961.—AN ACT to amend the Charter of Cumberland College, and for other purposes.

1838.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the General Assembly of the Cumberland Presbyterian Church, at their May session in 1837, held in the town of Princeton, in the State of Kentucky, have recommended to the Trustees of the Cumberland College, in consequence of the involvement of said institution in debt, and of the danger of its failing to accomplish the benevolent objects of its founders, for want of pecuniary aid, that the said Trustees (provided that Legislative sanction could be obtained therefor,) should make over, transfer, and convey, all the right, title and interest to the property, both real and personal, vested in them by the charter of incorporation, approved January 8th, 1827, to an association of individuals who would assume the responsibility of the payment of all the debts of said College: and, whereas, it is further represented, that such association, and now known by and called the Cumberland College Association, has been formed, which has already liquidated, paid off and discharged a portion of said debts, and, by contract, have obligated and bound itself for the payment of the rest: and, whereas, the said Trustees have, in accordance with the recommendation of the said General Assembly of the Cumberland Presbyterian Church, entered into an arrangement with the said association, for the purposes above specified: Now, to legalize the acts of said parties, and to confer upon the said association corporate powers—therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said association of individuals, under the name and style of "Cumberland College Association," is hereby invested with all the right, title and interest to the property, both real and personal, belonging to, or in anywise connected with, Cumberland College, which is now vested, by the charter of incorporation, in the "Trustees of the Cumberland College;" and that all assignments, transfers and conveyances of property, *choses in action*, accounts, debts, claims, dues, and demands, which have heretofore, or may hereafter be made by the said Trustees to the said association, shall be good and valid in law and equity.

College and property vested in the Cumberland College Association.

SEC. 2. That this association shall be entitled to all the rights, privileges and immunities which are now granted and guaranteed to the Trustees of said College by its charter of incorporation, so far as the same are not repugnant to this act.

The association entitled to the rights, &c., of the trustees.

SEC. 3. That at such time, after the passage of this act, as may be most convenient to the association, it shall proceed to elect thirteen of its members as Directors, to hold their offices during the pleasure of the association—three of whom shall make a quorum—one of whom shall be chosen President of

Election of Directors.

1838.

the directory; which directory shall exercise all the rights, privileges and immunities, and be subject to all the pains and penalties which are now incident to, or imposed upon, the Trustees of the Cumberland College.

Directors to
be approved by
general assem-
bly of the Cum-
berland Presby-
terian Church.

SEC. 4. That whenever any election for Directors shall take place, it shall be the duty of the association to submit such choice to the General Assembly of the Cumberland Presbyterian Church, for its approval.

Annual report.

SEC. 5. That an annual report of the condition of the finances of the College, its prospects, and its general operations, shall be made to the General Assembly of the Cumberland Presbyterian Church.

May sue and
be sued.

SEC. 6. That this association shall sue and be sued, and do all other corporate acts, under the name of the "President and Directory of Cumberland College Association."

Collect sub-
scriptions.

SEC. 7. That the said President and Directory are hereby empowered to collect all subscriptions, of the members of this association, now made, or hereafter to be made.

May admit
members, &c.

SEC. 8. That this association may admit so many additional members, and upon such terms, as it may deem expedient; Provided, the joint subscription shall not exceed one hundred thousand dollars at any one time.

Approved February 16, 1838:

RESOLUTIONS.

A RESOLUTION to appoint a Joint Committee to visit Transylvania University, and the Lunatic Asylum.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a Committee of three on the part of the Senate, and six on the part of the House of Representatives, be appointed to visit and enquire into the condition of Transylvania University, and Lunatic Asylum, near the city of Lexington, and report thereon.

Approved January 10, 1838.

A RESOLUTION fixing a day for the election of Public Officers.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will, by joint vote of both Houses, on the sixteenth day of January 1838, proceed to the election of a Treasurer, Public Printer, Librarian, a President and Directors of the Bank of the Commonwealth of Kentucky, for the ensuing year; and a Keeper of the Penitentiary, on Thursday the 25th instant, whose appointment shall not take effect until the tenth day of March 1839.

Approved January 16, 1838.

JOINT RESOLUTIONS in relation to the Currency, and the administration of the General Government.

Resolved, That the General Assembly of the Commonwealth of Kentucky have seen with deep regret, the derangement in the currency and domestic exchanges, the general prostration of the commercial and manufacturing business, the reduction in the price of agricultural products of the people of this State, in common with the people of the United States, which occurred on the suspension of the banks to pay specie during the last spring, and which still continues to the great distress of the country.

2. *Resolved,* That this deplorable state of things has been, in the opinion of this General Assembly, mainly produced by improvident, rash and arbitrary acts and proceedings of the Executive branch of the Federal Government, commencing with the veto of the bill to re-charter the late Bank of the United States, followed by the removal of the deposits of the public money, contrary to law, from its assigned custody, and terminating in the Treasury Order, exacting specie in all payments for the public lands, which was issued not only without constitutional or legal authority, but in disregard of the known opinion of the Legislative branch of the General Government.

3. *Resolved*, That the General Assembly have seen with surprise and regret, that the present Executive of the United States, instead of manifesting becoming sympathy with a suffering people, and recommending measures to relieve them, and restore that prosperity of which they have been wantonly deprived by the administration of his predecessor and himself, has exhibited, in his late messages to Congress, a cold indifference to the lamentable condition of the country, and a solicitude only to supply the wants of the Treasury, and to protect the interests of the official corps.

4. *Resolved*, That the system of Sub-Treasuries, proposed by the President of the United States, is a dangerous innovation, tending to augment the Executive power to an alarming extent, to the engrossment, by the Executive of the United States, of all the paper emissions; to place in its possession, or under its control, a great portion of the specie of the country; to abuse, waste and corruption; and finally, to the consummation of that perilous union of the purse and the sword in the hands and under the power of one man, at the imminent hazard of the purity and the very existence of our free institutions.

SEC. 5. *Resolved*, That the people and their government are one and indivisible, and that any attempt to separate them, in interests, in currency, or in fortune, can only proceed from insensibility or infidelity to the duties of the relation in which they stand to each other.

6. *Resolved*, That the General Assembly have seen, with great satisfaction, that a measure fraught with such fatal danger as the experiment of Sub-Treasuries, was defeated at the late session of Congress, by the vote of the immediate representatives of the people, and protesting, as the General Assembly now do, *solemnly* against it if it shall again be proposed, they request their Senators and Representatives of the State of Kentucky, in Congress, to continue to oppose its adoption with the utmost of their zeal and ability.

7. *Resolved*, That the General Assembly have seen with painful regret, that the Executive of the United States, profiting neither by his own experience nor that of his predecessors, appears resolved to persevere in a series of experiments and untried expedients, fatal to the prosperity and dangerous to the liberties of the people.

8. *Resolved*, That it is the duty of the General Government to secure a general medium of circulation, of uniform value, throughout the United States; and that the State of Kentucky has a deep interest in the faithful performance of that duty.

9. *Resolved*, That all experience has attested that the agency of a well regulated Bank of the United States, administered by a corporation blending public and private interests, and under public and private control, is best adapted to furnish and maintain a sound currency, to facilitate and render uniform domestic exchanges, and to inspire general confidence.

10. *Resolved*, That the administration of the General Government, of late years, has been characterized by wasteful extravagance, insomuch that the expenditures of the Government have risen in the short space of eight years, from about thirteen millions to the enormous sum of thirty two millions of dollars.

11. *Resolved*, That the General Assembly have beheld with surprise, and just alarm, the abuse, encroachments and usurpations of the Executive De-

partment of the General Government, since the election of the late President of the United States, in the universal proscription of all who do not conform to the creed of the dominant party; in a new and fearful version of the power of dismission from office; in the illegal and arbitrary removal of the public deposits; in the suppression of bills which had passed both Houses of Congress, thereby preventing the exercise of the constitutional check upon the veto power; in the promulgation of an edict, by which, an unconstitutional discrimination was made between payments by a common people into the Public Treasury, and finally, in procuring, through its influence and partizans, the violation of a public record, the common property of the present generation, and of posterity, the faithful preservation of which was solemnly enjoined by the Constitution of the United States.

12. *Resolved*, That the Executive Department of the General Government, ought to be subjected to just restraints, and brought back to its constitutional limits; that economy, retrenchment and reduction, in the expenditure of the Public Treasury should be enforced, and that every consideration of safety, of interest, and pride of national character, demands a thorough reform in the administration of the General Government.

13. *Resolved*, That the Governor of this Commonwealth be requested to transmit a copy of the preceding resolutions to each of the Governors of the several States of the union, with a request to lay them before the Legislatures of their respective States; and also, a copy to each of the Senators and Representatives of the State of Kentucky, in the Congress of the United States, to be laid before the respective Houses.

Approved January 27, 1838.

RESOLUTIONS for the President of the Board of Internal Improvement to furnish information in relation to Turnpike Roads and Rivers, in the different sections of the State.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President of the Board of Internal Improvement be required to lay before the Legislature a report, showing the amount of money, if any, which has been expended by the State on turnpike roads in the counties south of Green river—the amount, if any, expended upon turnpike roads in the counties north of Green river and south of the Kentucky river—and the amount, if any, which has been expended upon turnpike roads in the counties north of Kentucky river.

Resolved further, That the Auditor of Public accounts be required to report the amount of money, if any, expended upon turnpike roads in the counties south of Green river—the amount, if any, in the counties north of Green river and south of the Kentucky river—and the amount, if any, in the counties north of the Kentucky river, exclusive of the amount expended by the Board of Internal Improvement.

Be it further resolved, That the President of the Board of Internal Improvement be required to report the amount of money expended upon Licking, Kentucky and Green rivers, and the amount of each; also, the amount of stock subscribed by individuals to turnpike roads in the counties in each

of the said divisions of the State, and, also, the amount of dividends, if any, which has been paid to the State by each of the turnpike roads in this Commonwealth, in the stock of which the State has an interest.

Approved February 1, 1838.

A RESOLUTION requesting the Governor to obtain the manuscript Journals of the Conventions of 1792 and 1799.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to obtain, if the same shall still be in existence, the manuscript Journals of the Conventions of 1792 and 1799, and report to the next General Assembly for their further action on this subject.

Approved February 15, 1838.

RESOLUTIONS to subscribe for the History of the Indian Tribes, and to purchase works on Agriculture, for the use of the State Library.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Judges of the Court of Appeals be and they are hereby requested to subscribe, on behalf of the State of Kentucky, for one copy of the "History of the Indian Tribes of North America, with biographical sketches and anecdotes of the principal Chiefs, embellished with one hundred and twenty portraits, from the Indian gallery in the Department of War, at Washington," to be paid for out of the Library funds.

Resolved, That said Judges be also requested to purchase, for the use of the Library, and out of the funds thereof, one or more sets of the best works on Agriculture, as they may deem expedient, provided that a sum not exceeding one hundred dollars shall be appropriated for that purpose.

Approved February 15, 1838.

RESOLUTIONS concerning the Iron and Coal Trade.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the town of Greenupsburg, in Greenup county, Kentucky, is a suitable and proper position for a National Foundry, and that there are many advantages united at that point, peculiar to the place and its localities, as a site for national purposes, not to be found in connection with any position elsewhere in the western States.

Resolved, That many of the Locks and Dams, now being erected on the Kentucky, Licking and Green rivers, as parts and portions of the system of internal improvement adopted by the State, would, in the opinion of the General Assembly, be suitable and convenient positions for a National Foundry.

Resolved, As the opinion of the General Assembly, that the General Government ought to cause the positions referred to in the foregoing resolutions

to be examined by competent agents and Engineers, before any position is selected by Congress, as the site of a National Foundry, on the western waters.

Resolved, That the senators and representatives in Congress from the State of Kentucky, be requested to lay copies of the foregoing report and resolutions before the houses of which they are members, respectively, and before the President of the United States and heads of departments; and to use their influence, at such time and in such manner as they may deem most proper, to carry the same into full effect.

Resolved, That the Governor be requested to forward copies of the foregoing resolutions to each of the Senators and members of Congress from this State.

Approved February 16, 1838.

JOINT RESOLUTIONS concerning a Geological Survey.

WHEREAS, it is important to the agricultural, manufacturing, and commercial interests of this Commonwealth, that its mineral wealth and resources should be well understood and be properly developed—therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Governor of this Commonwealth, to appoint some competent person to prepare and report to the next General Assembly a plan, in detail, for a geological and mineralogical survey of this State, together with the probable annual expenses and the time necessary to complete said survey. It shall be the duty of the person, thus appointed by the Governor, to visit the mineral regions of this State, and make geological reconnaissance thereof, and report to the next General Assembly his views thereon, and whether, in his opinion, the expense attending such survey, as is proposed, will be compensated by the facts to be developed.

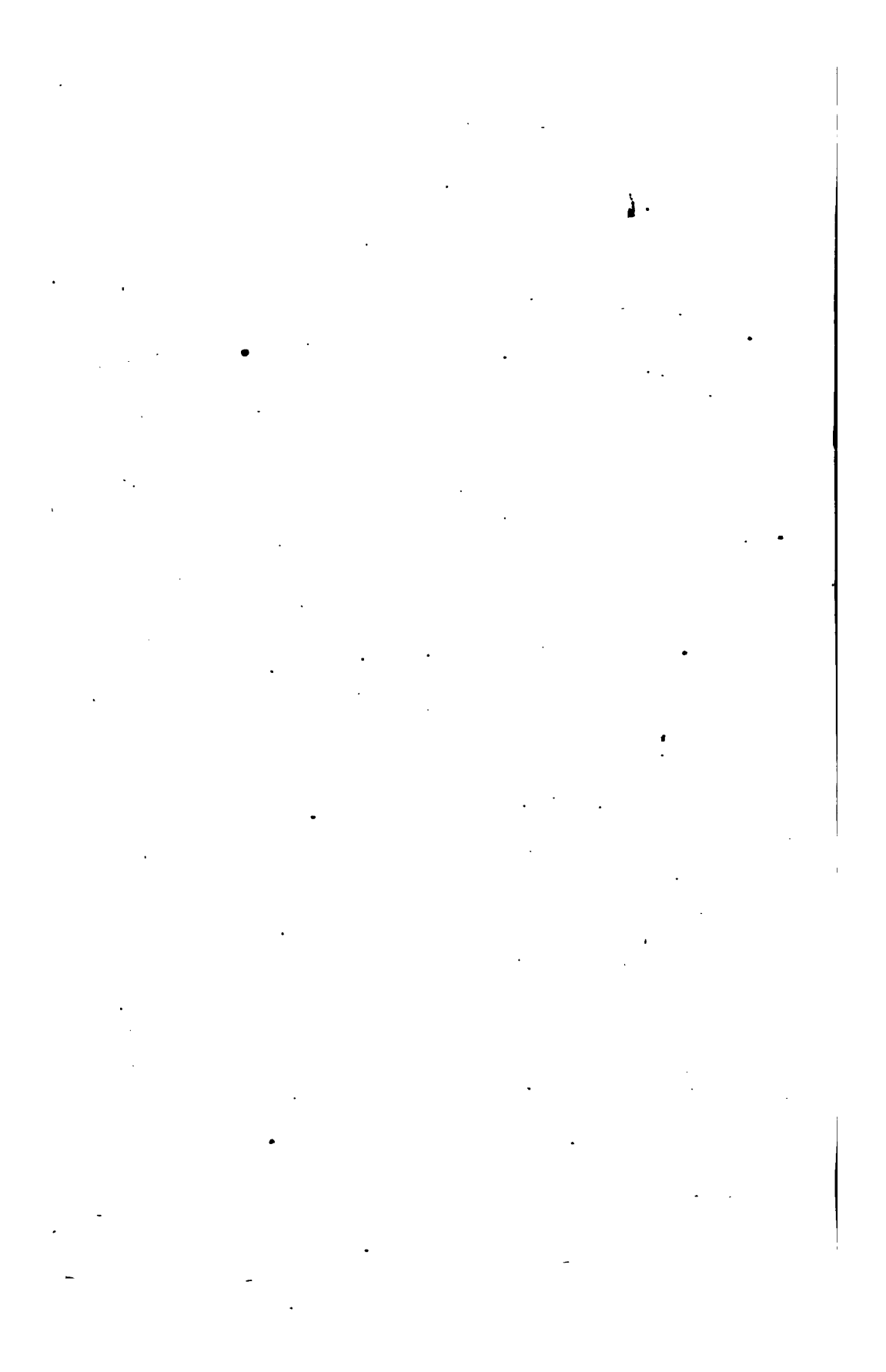
And be it further resolved, That to enable the Governor to carry into effect this resolution, the sum of not exceeding one thousand dollars is hereby appropriated.

Approved February 16, 1838.

A RESOLUTION in relation to Members of the Legislature receiving their pay.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Clerks of the Senate and House of Representatives are directed, hereafter, not to give to any member of the Legislature a certificate for his pay, until the final adjournment of the Legislature, unless such member shall previously obtain leave of absence from the House of which he is a member; and in that event he shall only receive his compensation up to the period that he shall obtain leave of absence.

Approved February 16, 1838.



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